

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOEL RICH AND MARY RICH,

Plaintiffs,

v.

FOX NEWS NETWORK, LLC, MALIA
ZIMMERMAN, AND ED BUTOWSKY,

Defendants.

Civil Action No. 18-cv-2223 (GBD)

**DECLARATION OF JOSEPH M. TERRY IN SUPPORT OF THE
MOTION OF FOX NEWS NETWORK, LLC, AND MALIA ZIMMERMAN
TO DISMISS FOR FAILURE TO STATE A CLAIM**

I, Joseph M. Terry, hereby declare as follows:

1. I am a partner at the law firm of Williams & Connolly LLP, counsel of record for defendant Fox News Network, LLC. I have personal knowledge of the facts set forth in this declaration, and make this declaration in support of Fox News Network, LLC, and Malia Zimmerman's motion to dismiss for failure to state a claim.

2. Attached hereto as Exhibit 1 is a true and correct copy of a Fox News online article dated May 16, 2017, entitled "Seth Rich, slain DNC staffer, had contact with WikiLeaks, say multiple sources."

3. Attached hereto as Exhibit 2 is a true and correct copy of a Fox News online article dated May 16, 2017, entitled "Seth Rich, slain DNC staffer, had contact with WikiLeaks, say multiple sources."

4. Attached hereto as Exhibit 3 is a true and correct copy of a Fox News online article dated May 16, 2017, entitled "Family of slain DNC staffer Seth Rich blasts detective over report of WikiLeaks link."

5. Attached hereto as Exhibit 4 is a true and correct copy of the Representative Agreement between plaintiffs Joel and March Rich and Rod Wheeler dated March 14, 2017, filed as an exhibit by Wheeler in the related case *Wheeler v. Twenty-First Century Fox, Inc.*, No. 17-05807 (S.D.N.Y.), Dkt. 60-1.

6. Attached hereto as Exhibit 5 is a true and correct copy of a Fox 5 online article entitled “Family’s private investigator: There is evidence Seth Rich had contact with WikiLeaks prior to death.”

7. Attached hereto as Exhibit 6 is a true and correct copy of a transcript I had prepared of a Fox 5 news clip posted on fox5dc.com on May 15, 2017. The video is available at <http://www.fox5dc.com/news/local-news/private-investigator-there-is-evidence-seth-rich-contacted-wikileaks-prior-to-death>.

8. Attached hereto as Exhibit 7 is a true and correct copy of a transcript I had prepared of the Sean Hannity Radio Show from June 22, 2017. The audio is available at <https://player.fm/series/1789846/192567643>.

9. Attached hereto as Exhibit 8 is a true and correct copy of a Westlaw transcript of the Fox News program “Special Report with Bret Baier” from May 29, 2017.

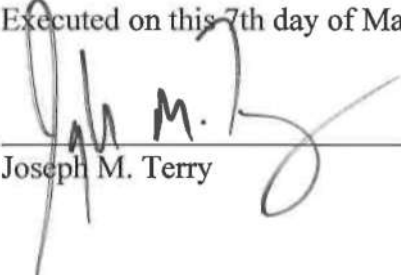
10. Attached hereto as Exhibit 9 is a true and correct copy of a transcript I had prepared of an excerpt from the Fox Business program “After the Bell” from July 11, 2017. The video is available at https://archive.org/details/FBC_20170711_200000_After_the_Bell/start/1920/end/1980.

11. Attached hereto as Exhibit 10 is a true and correct copy of a transcript I had prepared of an excerpt from the Fox Business program “After the Bell” from January 10, 2018. The video is available at https://archive.org/details/FBC_20180110_210000_After_the_Bell.

12. Attached hereto as Exhibit 11 is a true and correct copy of the Contributor Agreement between Rod Wheeler and Fox News Network, LLC, for the period from January 1, 2017, to and including December 31, 2018.

I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 7th day of May, 2018.



Joseph M. Terry

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2018, I electronically filed the foregoing Declaration of Joseph M. Terry in Support of the Motion of Fox News Network, LLC, and Malia Zimmerman to Dismiss For Failure to State a Claim with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter who are on the CM/ECF system.

s/ Kevin T. Baine
Kevin T. Baine

EXHIBIT 1

Politics

Home Video Politics U.S. Opinion Business Entertainment Tech Science Health Travel Lifestyle

CRIME

Seth Rich, slain DNC staffer, had contact with WikiLeaks, say multiple sources



By Malia Zimmerman • Published May 16, 2017 • Fox News



The Democratic National Committee staffer who was gunned down on July 10 on a Washington, D.C., street last July just steps from his home had leaked thousands of internal emails to WikiLeaks, law enforcement sources told Fox News.

A federal investigator who reviewed an FBI forensic report detailing the contents of DNC staffer Seth Rich's computer generated within 96 hours after his murder, said Rich made contact with Wikileaks through Gavin MacFadyen, a now-deceased American investigative reporter, documentary filmmaker, and director of WikiLeaks who was living in London at the time.

"I have seen and read the emails between Seth Rich and Wikileaks," the federal investigator told Fox News, confirming the MacFadyen connection. He said the emails are in possession of the FBI, while the stalled case is in the hands of the Washington Police Department.

The revelation is consistent with the findings of Rod Wheeler, a former DC homicide detective and Fox News contributor and whose private investigation firm was hired by Rich's family to probe the case. Rich was shot from behind in the wee hours, but was not robbed.

"My investigation up to this point shows there was some degree of email exchange between Seth Rich and Wikileaks," Wheeler said. "I do believe that the answers to who murdered Seth Rich sits on his computer on a shelf at the DC police or FBI headquarters."

The federal investigator, who requested anonymity, said 44,053 emails and 17,761 attachments between Democratic National Committee leaders, spanning from January 2015 through late May 2016, were transferred from Rich to MacFadyen before May 21.

On July 22, just 12 days after Rich was killed, WikiLeaks published internal DNC emails that appeared to show top party officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party's presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson. A number of Sanders supporters refused to back party nominee Hillary Clinton, and some subsequently formed groups to work against Clinton and the party.

WikiLeaks leader Julian Assange has stopped short of identifying Rich as the source of the emails, but has taken a keen interest in the case, and has not denied working with Rich.

“WikiLeaks has decided to issue a US\$20k reward for information leading to conviction for the murder of DNC staffer Seth Rich,” the organization announced.

Washington’s Metropolitan Police Department has no suspects and no substantial leads as to who the killer or killers may be, sources close to the investigation said. Metropolitan Police, including the police chief, have refused to discuss the case, despite requests from Fox News dating back 10 months.

The FBI’s national office declined to confirm its role in the investigation, but sources said the bureau provided cyber expertise to examine Rich’s computer.

Wheeler believes powerful forces are preventing the case from a thorough investigation.

“My investigation shows someone within the D.C. government, Democratic National Committee or Clinton team is blocking the murder investigation from going forward,” Wheeler told Fox News. “That is unfortunate. Seth Rich’s murder is unsolved as a result of that.”

The botched robbery theory, which police have pursued for nearly a year, isn’t panning out, Wheeler said. Two assailants caught on a grainy video tape from a camera posted outside a grocery mart, shot Rich twice in his back, but did not take his wallet, cell phone, keys, watch or necklace worth about \$2,000.

Police should consider all angles, Wheeler said, especially in light of Assange’s statements to a Dutch television reporter who asked about Rich.

“I am suggesting,” Assange told the Dutch reporter, “that our sources take risks, and

they, they become concerned to see things occurring like that.”

On Twitter, WikiLeaks announced the reward but said Assange’s statement “should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications” because WikiLeaks has a policy not to release the names of its sources, even after their death.

In subsequent appearances on Fox News Channel, Assange confirmed, “We’re interested in anything that might be a threat to alleged WikiLeaks sources.”

Assange has not returned a series of recent emails from Fox News about Rich.

MacFadyen, who was considered a mentor by Assange, died of lung cancer on Oct. 22 at age 76.

D.C. police have announced a \$25,000 reward for information leading to the conviction of Rich’s killer. Republican lobbyist Jack Burkman has offered a separate \$130,000 reward.

Rich had been at Lou’s City Bar a couple of miles from his home until about 1:15 a.m. He walked home, calling several people along the way. He called his father, Joel Rich, who he missed because he had gone to sleep. He talked with a fraternity brother and his girlfriend, Kelsey Mulka.

Around 4:17 a.m., Rich was about a block from his home when Mulka, still on the phone with him, heard voices in the background. Rich reassured her that he was steps away from being at his front door and hung up.

Two minutes later, Rich was shot twice. Police were on the scene within three minutes. Rich sustained bruising on his hands and face. He remained conscious, but died at a nearby hospital less than two hours later.

Police detectives will not say whether Rich provided them with any clues about the

identity of his attackers or their motivation, Wheeler said. However, Wheeler believes Rich could have provided information prior to his death of who was responsible for carrying out his murder.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed. The footage, sources told Fox News, shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured grainy footage of the assailants' legs and Rich as he fell backwards into the street after being shot.

Wheeler said normally police would release the footage to the media. The family also should be privy to the entire case jacket, with all the details of the case, unless they are considered suspects, Wheeler said. However, to date, the family has not received a copy of the tape or most of the details related to their son's murder case. The homicide case remains open, according to a spokesperson for D.C. police.

Rich's father, Joel Rich, could not be reached for comment, but [told Fox News in January](#) that he didn't believe his son would leak the emails. However, he said above all, his son "wanted to make a difference in the world."

Malia Zimmerman is an award-winning investigative reporter focusing on crime, homeland security, illegal immigration crime, terrorism and political corruption. Follow her on twitter at @MaliaMZimmerman

Sections

Home
Video
Politics
U.S.

Tools

Live Video
Newsletters
Alerts
Podcasts

About

Careers
College Students
Fox Around the World
Advertise With Us

Follow

Facebook
Twitter
Google+
Instagram

EXHIBIT 2

CRIME

Seth Rich, slain DNC staffer, had contact with WikiLeaks, say multiple sources



By **Malia Zimmerman**
Published May 16, 2017
Fox News



NOW PLAYING

Report: Slain DNC staffer was in contact with WikiLeaks

The Democratic National Committee staffer who was gunned down on July 10 on a Washington, D.C., street just steps from his home had leaked thousands of internal emails to WikiLeaks, investigative sources told Fox News.

A federal investigator who reviewed an FBI forensic report -- generated within 96 hours after DNC staffer Seth Rich's murder -- detailing the contents Rich's computer said he made contact with WikiLeaks through Gavin MacFadyen, a now-deceased American investigative reporter, documentary filmmaker, and director of WikiLeaks who was living in London at the time.

“My investigation up to this point shows there was some degree of email exchange between Seth Rich and WikiLeaks.”

- Rod Wheeler, former DC homicide investigator

“I have seen and read the emails between Seth Rich and WikiLeaks,” the federal investigator told Fox News, confirming the MacFadyen connection. He said the emails are in possession of the FBI, while the stalled case is in the hands of the Washington Police Department.

The revelation is consistent with the findings of Rod Wheeler, a former DC homicide detective and Fox News contributor and whose private investigation firm was hired by Rich's family to probe the case. Rich was shot from behind in the wee hours, but was not robbed.

“My investigation up to this point shows there was some degree of email exchange between Seth Rich and WikiLeaks,” Wheeler said. “I do believe that the answers to who murdered Seth Rich sits on his computer on a shelf at the DC police or FBI headquarters.”

Related Image





Rich was fiercely patriotic, say family members. (Rich family)

The federal investigator, who requested anonymity, said 44,053 emails and 17,761 attachments between Democratic National Committee leaders, spanning from January 2015 through late May 2016, were transferred from Rich to MacFadyen before May 21.

On July 22, just 12 days after Rich was killed, WikiLeaks published internal DNC emails that appeared to show top party officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party's presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson. A number of Sanders supporters refused to back party nominee Hillary Clinton, and some subsequently formed groups to work against Clinton and the party.

Related Image





Seth Rich, shown here with his mother, was idealistic and wanted to change the world, his father said. (Rich family)

WikiLeaks leader Julian Assange has stopped short of identifying Rich as the source of the emails, but has taken a keen interest in the case, and has not denied working with Rich.

“WikiLeaks has decided to issue a US\$20k reward for information leading to conviction for the murder of DNC staffer Seth Rich,” the organization announced.

Washington’s Metropolitan Police Department has no suspects and no substantial leads as to who the killer or killers may be, sources close to the investigation said. Metropolitan Police, including the police chief, have refused to discuss the case, despite requests from Fox News dating back 10 months.

The FBI’s national office declined to comment, but sources said the bureau provided cyber expertise to examine Rich’s computer.

Wheeler believes powerful forces are preventing the case from a thorough investigation.

“My investigation shows someone within the D.C. government, Democratic National Committee or Clinton team is blocking the murder investigation from going forward,” Wheeler told Fox News. “That is unfortunate. Seth Rich’s murder is unsolved as a result of that.”

A spokesman for the Rich family said Wheeler was not authorized to speak for the family and called assertions Seth Rich sent emails to WikiLeaks “unsubstantiated.” Brad Bauman said even if purported emails were to surface, it would not necessarily mean Rich had helped WikiLeaks.

"Even if tomorrow, an email was found, it is not a high enough bar of evidence to prove any interactions as emails can be altered and we've seen that those interested in pushing conspiracies will stop at nothing to do so," Bauman said. "We are a family who is committed to facts, not fake evidence that surfaces every few months to fill the void and distract law enforcement and the general public from finding Seth's murderers."

Whatever Rich's possible activities prior to his murder, the case remains a mystery.

Two assailants caught on a grainy video tape from a camera posted outside a grocery mart, shot Rich twice in his back, but did not take his wallet, cell phone, keys, watch or necklace worth about \$2,000.

Police should consider all angles, Wheeler said, especially in light of Assange's statements to a Dutch television reporter who asked about Rich.

"I am suggesting," Assange told the Dutch reporter, "that our sources take risks, and they, they become concerned to see things occurring like that."

On Twitter, WikiLeaks announced the reward but said Assange's statement "should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications" because WikiLeaks has a policy not to release the names of its sources, even after their death.

In subsequent appearances on Fox News Channel, Assange confirmed, "We're interested in anything that might be a threat to alleged WikiLeaks sources."

Assange has not returned a series of recent emails from Fox News about Rich. MacFadyen, who was considered a mentor by Assange, died of lung cancer on Oct. 22 at age 76.

D.C. police have announced a \$25,000 reward for information leading to the conviction of Rich's killer. Republican lobbyist Jack Burkman has offered a separate \$130,000 reward.

Rich had been at Lou's City Bar a couple of miles from his home until about 1:15 a.m. He walked home, calling several people along the way. He called his father, Joel Rich, who he missed because he had gone to sleep. He talked with a fraternity brother and his girlfriend, Kelsey Mulka.

Around 4:17 a.m., Rich was about a block from his home when Mulka, still on the phone with him, heard voices in the background. Rich reassured her that he was steps away from being at his front door and hung up.

Two minutes later, Rich was shot twice. Police were on the scene within three minutes. Rich sustained bruising on his hands and face. He remained conscious, but died at a nearby hospital less than two hours later.

Police detectives will not say whether Rich provided them with any clues about the identity of his attackers or their motivation, Wheeler said. However, Wheeler believes Rich could have provided information prior to his death of who was responsible for carrying out his murder.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed. The footage, sources told Fox News, shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured grainy footage of the assailants' legs and Rich as he fell backward into the street after being shot.

Malia Zimmerman is an award-winning investigative reporter focusing on crime, homeland security, illegal immigration crime, terrorism and political corruption. Follow her on twitter at @MaliaMZimmerman

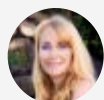
EXHIBIT 3

Politics

Home Video Politics U.S. Opinion Business Entertainment Tech Science Health Travel Lifestyle

CRIME

Family of slain DNC staffer Seth Rich blasts detective over report of WikiLeaks link



By Malia Zimmerman • Published May 16, 2017 • Fox News



The family of the Democratic National Committee staffer who was gunned down on July 10 on a Washington, D.C., blasted reports that he was a source of emails leaked to WikiLeaks.

Rod Wheeler, a retired Washington homicide detective and Fox News contributor investigating the case on behalf of the Rich family, made the WikiLeaks claim, which was corroborated by a federal investigator who spoke to Fox News.

“My investigation up to this point shows there was some degree of email exchange between Seth Rich and WikiLeaks.”

- Rod Wheeler, former DC homicide investigator

Wheeler made his comments on the possible Rich-Wikileaks connection in a story [first reported Monday night by Fox 5 DC](#).

But a spokesman for Rich's family on Tuesday said Wheeler was not authorized to speak for the family and called assertions Seth Rich sent emails to WikiLeaks "unsubstantiated." Brad Bauman said even if purported emails were to surface, it would not necessarily mean Rich had helped WikiLeaks.

"Even if tomorrow, an email was found, it is not a high enough bar of evidence to prove any interactions as emails can be altered and we've seen that those interested in pushing conspiracies will stop at nothing to do so," Bauman said. "We are a family who is committed to facts, not fake evidence that surfaces every few months to fill the void and distract law enforcement and the general public from finding Seth's murderers."

Although Bauman said Wheeler was paid by a third party, the family is named as clients of Wheeler's Capitol Investigations on a contract signed by Rich's father, Joel Rich.

Related Image

The family has been sensitive to speculation that Rich could have leaked emails damaging to the DNC since he was murdered during the height of the presidential campaign in a case that remains unsolved. Wheeler and the federal investigator insist that there is evidence to back their claims.



Rich was fiercely patriotic, say family members. (Rich family)

An FBI forensic report of Rich's computer -- generated within 96 hours after Rich's murder -- showed he made contact with WikiLeaks through Gavin MacFadyen, a now-deceased American investigative reporter, documentary filmmaker, and director of WikiLeaks who was living in London at the time, the federal source told Fox News.

Related Image



Seth Rich, shown here with his mother, was idealistic and wanted to change the world, his father said. (Rich family)

"I have seen and read the emails between Seth Rich and WikiLeaks," the federal investigator told Fox News, confirming the MacFadyen connection. He said the emails are in possession of the FBI, while the stalled case is in the hands of the Washington Police Department.

The revelation is consistent with the findings of Wheeler, whose private investigation firm was hired by a third party on behalf of Rich's family to probe the case.

"My investigation up to this point shows there was some degree of email exchange

between Seth Rich and WikiLeaks,” Wheeler said. “I do believe that the answers to who murdered Seth Rich sits on his computer on a shelf at the DC police or FBI headquarters.”

The federal investigator, who requested anonymity, said 44,053 emails and 17,761 attachments between Democratic National Committee leaders, spanning from January 2015 through late May 2016, were transferred from Rich to MacFadyen before May 21.

On July 22, just 12 days after Rich was killed, WikiLeaks published internal DNC emails that appeared to show top party officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party’s presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson.

WikiLeaks leader Julian Assange has stopped short of identifying Rich as the source of the emails, but has taken a keen interest in the case, and has not denied working with Rich.

“WikiLeaks has decided to issue a US\$20k reward for information leading to conviction for the murder of DNC staffer Seth Rich,” the organization announced.

Assange has not returned a series of recent emails from Fox News about Rich. MacFadyen, who was considered a mentor by Assange, died of lung cancer on Oct. 22 at age 76.

Washington’s Metropolitan Police Department has no suspects and no substantial leads as to who the killer or killers may be, sources close to the investigation said. Metropolitan Police, including the police chief, have refused to discuss the case, despite requests from Fox News dating back 10 months.

The department released a statement on the case saying it remains an active investigation and that detectives are working with Rich's family.

"If there are any individuals who feel they have information, we urge them to call us at (202) 727-9099 or text us at 50411," read the statement. "The department is offering a reward of up to \$25,000 for information on this case that leads to the arrest and conviction of the person or persons responsible."

The FBI's national office declined to comment, but sources said the bureau provided cyber expertise to examine Rich's computer.

D.C. police have announced a \$25,000 reward for information leading to the conviction of Rich's killer. Republican lobbyist Jack Burkman has offered a separate \$130,000 reward.

Malia Zimmerman is an award-winning investigative reporter focusing on crime, homeland security, illegal immigration crime, terrorism and political corruption. Follow her on twitter at @MaliaMZimmerman

Sections

- Home
- Video
- Politics
- U.S.
- Opinion
- Entertainment
- Tech
- Science
- Health
- Travel
- Lifestyle
- World
- Sports
- Weather
- On Air

Tools

- Live Video
- Newsletters
- Alerts
- Podcasts
- Radio
- Apps & Products

About

- Careers
- College Students
- Fox Around the World
- Advertise With Us
- New Terms of Use (What's New)
- New Privacy Policy
- Ad Choices
- Help
- Email Newsroom
- Media Relations
- Closed Captioning Policy

Follow

- Facebook
- Twitter
- Google+
- Instagram
- RSS
- Newsletters

EXHIBIT 4

Capitol Investigations/Rod Wheeler Representative Agreement

6710 Oxon Hill Rd. Suite 210

National Harbor, MD 20745

Ph. 202.805.8001

www.4capitol.com

Client: Joel Rich, Mary Rich, Aaron Rich

Case: Murder of Seth Rich

MPD CCN#16-113-797

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

RLW

MR
AR *JMR*

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations. Capitol Investigations shall not release any information regarding the investigation, including but not limited to findings, working theories or path forward to any third party without prior authorization by Client; unless that third party is an investigating agency, i.e. Metropolitan Police Department and the FBI.


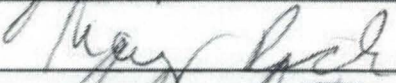
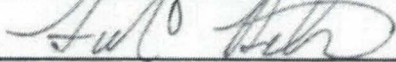
Any and all compensation or fees associated with the investigation and this agreement shall be paid by Mr. Ed Butowsky, the "third party," in accordance with agreements made between Capitol Investigations and Mr. Ed Butowsky. Should any action involved in the investigation create a fee outside of this agreement, or should Mr. Ed Butowsky fail to pay fees, the Client is held harmless and will not be responsible for paying any fees, including outstanding balances.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express, implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated:

3-14-17

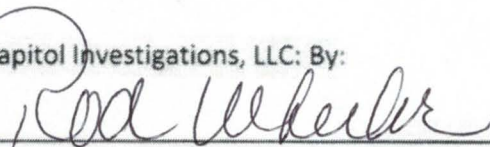
CLIENT(S):

Dated:

3/14/2017

Capitol Investigations, LLC: By:



Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

EXHIBIT 5


[Sections](#)

fl 75°

fl



Local News

[DC News](#) [Maryland News](#) [Virginia News](#) [Pay It Forward](#) [Zip Trip](#) [Seen on TV](#) [Contact FOX 5](#)

Family's private investigator: There is evidence Seth Rich had contact with WikiLeaks prior to death

 By: [Marina Marraco](#)


POSTED: MAY 15 2017 10:41PM EDT
 VIDEO POSTED: MAY 15 2017 10:54PM EDT
 UPDATED: MAY 17 2017 11:32PM EDT

WASHINGTON - EDITOR'S NOTE (5/17/17): We want to update you on a story you first saw on FOX 5 DC. We want to [make an important clarification](#) on claims that were made by Rod Wheeler, the private investigator hired by Seth Rich's family, whose services are being paid for by a third party.

What he told FOX 5 DC on camera Monday regarding Seth Rich's murder investigation is in clear contrast to what he has said over the last 48 hours. Rod Wheeler has since backtracked.

In an interview Monday, Wheeler told FOX 5 DC he had sources at the FBI confirming there was evidence of communication between Seth Rich and WikiLeaks. This is the verbatim of that exchange:



Seth Rich

FOX 5 DC: "You have sources at the FBI saying that there is information..."

WHEELER: "For sure..."

FOX 5 DC: "...that could link Seth Rich to WikiLeaks?"

WHEELER: "Absolutely. Yeah. That's confirmed."

In the past 48 hours, Rod Wheeler has told other media outlets he did not get his information from FBI sources, contradicting what he told us on Monday.

Since Rod Wheeler backtracked Tuesday, FOX 5 DC attempted incessantly to communicate with him, but he didn't return calls or emails.

On Wednesday, just before our newscast, Wheeler responded to our requests via a telephone conversation, where he now backtracks his position and Wheeler characterizes his on-the-record and on-camera statements as "miscommunication."

When asked if Wheeler is still working for Seth Rich's family, Wheeler told FOX 5 DC the contract still stands— ties have not been severed.

We reached out once again to the Rich family, and through a spokesperson the Rich family tells FOX 5 DC, "The family has relayed their deep disappointment with Rod Wheeler's conduct over the last 48 hours, and is exploring legal avenues to the family."

Original story:

It has been almost a year since Democratic National Committee staffer Seth Rich was murdered in the nation's capital. There have been no solid answers about why he was killed until now.

UP NEXT:

Just two months shy of the one-year anniversary of Rich's death, FOX 5 has learned there is new information that could prove these theorists right.

Rod Wheeler, a private investigator hired by the Rich family, suggests there is tangible evidence on Rich's laptop that confirms he was communicating with WikiLeaks prior to his death. Wheeler's services were offered to the family and paid for by a third party, according to a statement issued by the Rich family Tuesday which also includes that "the private investigator who spoke to press was offered to the Rich family and paid for by a third party, and contractually was barred from speaking to press or anyone outside of law enforcement or the family unless explicitly authorized by the family."

Now, questions have been raised on why D.C. police, the lead agency on this murder investigation for the past ten months, have insisted [this was a robbery gone bad](#) when there appears to be no evidence to suggest that.

Wheeler, a former D.C. police homicide detective, is running a parallel investigation into Rich's murder. He said he believes there is a cover-up and the police department has been told to back down from the investigation.

"The police department nor the FBI have been forthcoming," said Wheeler. "They haven't been cooperating at all. I believe that the answer to solving his death lies on that computer, which I believe is either at the police department or either at the FBI. I have been told both."

When we asked Wheeler if his sources have told him there is information that links Rich to Wikileaks, he said, "Absolutely. Yeah. That's confirmed."

Wheeler also told us, "I have a source inside the police department that has looked at me straight in the eye and said, 'Rod, we were told to stand down on this case and I can't share any information with you.' Now, that is highly unusual for a murder investigation, especially from a police department. Again, I don't think it comes from the chief's office, but I do believe there is a correlation between the mayor's office and the DNC and that is the information that will come out [Tuesday]."

Wheeler told FOX 5 that he will provide us with a full report with the new details.

FOX 5's Melanie Alnwick spoke with D.C. Police on Tuesday and was told that Wheeler's assertion that a source inside the department told him that detectives were instructed to stand down regarding the Rich case was false.

The family sent Alnwick a statement on Tuesday with the following statement:

"As we've seen through the past year of unsubstantiated claims, we see no facts, we have seen no evidence, we have been approached with no emails and only learned about this when contacted by the press. Even if tomorrow, an email was found, it is not a high enough bar of evidence to prove any interactions as emails can be altered and we've seen that those interested in pushing conspiracies will stop at nothing to do so. We are a family who is committed to facts, not fake evidence that surfaces every few months to fill the void and distract law enforcement and the general public from finding Seth's murderers. The services of the private investigator who spoke to press was offered to the Rich family and paid for by a third party, and contractually was barred from speaking to press or anyone outside of law enforcement or the family unless explicitly authorized by the family."

PREVIOUS COVERAGE ON THE SETH RICH MURDER INVESTIGATION:

[Family of DNC staffer Seth Rich seeking to raise money to help solve his murder](#)

[Republican lobbyist says murder of DNC staffer Seth Rich linked to Russian operatives](#)

EXHIBIT 6

0001

1 -----

2 Williams and Connolly

3 -----

4 AUDIO START DATE: 5/15/17

5 AUDIO START TIME: Unknown

6 CUSTODIAN: UNKNOWN

7 NAME OF FILE: Families Private Investigator FOX

8 EVENT: Fox News

9 INTERVIEWERS: Tony Perkins, Shawn Yancy, Marina

10 Marraco

11 INTERVIEWEE: Rod Wheeler

12

0002

1 TONY PERKINS: Now to a Fox 5 Exclusive.

2 It's been almost a year since DNC staffer Seth
3 Rich was murdered. Still no solid answers until
4 now.

5 SHAWN YANCY: Someone shot and killed Rich
6 last July in Northwest. Now, police suggested
7 the killing in the Bloomingdale neighborhood was
8 a botched robbery but online conspiracy theories
9 tied the murder to Rich's work at the Democratic
10 National Committee.

11 TONY PERKINS: Fox 5's Marina Marraco joins
12 us now with what could be a big break in the
13 investigation. Marina.

14 MARINA MARRACO: Tony, Shawn, we are just
15 two months shy of the one year anniversary of
16 Seth Rich's murder and ever since we learned
17 Rich was a DNC staffer the conspiracy theories
18 online have taken a life of their own. But
19 today Fox 5 has learned there is new information
20 that could prove these theorists are in fact
21 right. New information from the family's
22 private investigator suggests there is tangible
23 evidence on Seth Rich's laptop that confirms he
24 was communicating with WikiLeaks prior to his
25 death. Now, the question is, why has D.C.

0003

1 Police as the lead agency on the investigation
2 for the past ten months insisted this was a
3 botched robbery when until this day there is no
4 evidence to suggest that. The Rich family hired
5 Rod Wheeler, a former NPD homicide detective, to
6 run a parallel investigation into their son's
7 death. Wheeler says he believes there is a
8 cover up and the police department has been told
9 to back down from the investigation.

10 ROD WHEELER: The police department nor the
11 FBI have been forthcoming, they haven't been
12 cooperating at all. I believe that the answer
13 to solving his death lies on that computer,
14 which I believe is either at the police
15 department or either at the FBI. I've been told
16 both.

17 MARINA MARRACO: But you have sources at
18 the FBI saying that there is information that
19 could link --

20 ROD WHEELER: For sure.

21 MARINA MARRACO: -- Seth Rich to WikiLeaks?

22 ROD WHEELER: Absolutely. Yeah, and that's
23 confirmed. Actually I have a source inside the
24 police department that has looked at me straight
25 in the eye and said, "Rod, we were told to stand

0004

1 down on this case and I can't share any
2 information with you". Now, that's highly
3 unusual for a murder investigation, especially
4 from a police department. Again, I don't think
5 it comes from the Chief's office but I do
6 believe there is a correlation between the
7 Mayor's office and the DNC and that's the
8 information that's going to come out tomorrow.

9 MARINA MARRACO: And a full report with the
10 new breaking details and this information will
11 air tomorrow morning on Fox News Channel.
12 Shawn.

13 SHAWN YANCY: A correlation between the
14 Mayor's office and the DNC, explosive
15 allegations in that report, Marina. Will there
16 be evidence, though, to prove those allegations
17 tomorrow?

18 MARINA MARRACO: Well, Shawn, Rod Wheeler,
19 the investigator, assures us, Fox 5 and assures
20 Fox News that there's a full report that
21 contains information that will show how many
22 times Seth Rich made contact with WikiLeaks and
23 will show exactly when this communication took
24 place. Shawn.

25 SHAWN YANCY: We will be watching, we will

0005

be waiting. Marina, thank you.

0006

C E R T I F I C A T E

I, Linda Weaver, certify that the foregoing transcript is a true record of said proceedings, that I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.



Signature

Date September 13, 2017

EXHIBIT 7

1

2

3

4

5

6

7

8

9

10

11

12 Sean Hannity Radio Show

13 06222017

14

15

16

17

18

19

20

21

22

23

24

25

1 these people.

2 Shakespeare in the Park, lay out your
3 blanket, bring out the champagne. Oh, and how
4 dare they interrupt our play, how dare they not
5 accept that the assassination of Donald Trump,
6 it's not meaning--but anyway, 800-941-SEAN. I got
7 to go to--we have a lot of other things to get to
8 today. I know, it's fun. Let me go back to Jeh
9 Johnson yesterday, with Trey Gowdy. No evidence
10 of collusion with the Trump camp and Russia.
11 Listen to this.

12 [RECORDING]

13 TREY GOWDY: At the time you separated
14 from service in January of 2017, had you seen any
15 evidence that Donald Trump, or any member of this
16 campaign colluded, conspired, or coordinated with
17 the Russians or anyone else to infiltrate or
18 impact our voter infrastructure?

19 JEH JOHNSON: Not beyond what has been
20 out here, open source, and not beyond anything
21 that I'm sure this committee has already seen and
22 heard before, directly from the intelligence
23 community. So the only thing I'd have on that is
24 derivative of what the intelligence community
25 has, and the law enforcement community.

1 [END RECORDING]

2 SEAN HANNITY: And of course, we know
3 the intelligence community, from Clapper, and
4 Comey, and Brennan, and everybody in between, and
5 Feinstein, and Mark Warner, and Maxine Waters,
6 and you know, everybody, it's unbelievable. No
7 evidence of collusion.

8 Anyway, this goes on in the interview,
9 Johnson testifies to Peter King that the DNC
10 declined--now think about this. The Department of
11 Homeland Security's offer to fight Russian
12 hacking. Oh, why did they not want the FBI or the
13 Department of Homeland Security in any way to
14 help them with their computers, to keep them safe
15 from hacking, but yet they complain about
16 hacking? And then when WikiLeaks comes out, it's
17 revealed that the Democrats are up to their
18 eyeballs in collusion to prevent Bernie Sanders
19 from ever getting the nomination. Everyone seems
20 to forget that part. Play it.

21 [RECORDING]

22 PETER KING: Can you elaborate more on
23 what the DHS's connection with the DNC was, or
24 consultation with the DNC was after you became
25 aware of the hacking, they became aware of the

1 hacking, as to what was offered them, what they
2 accepted? Was there any level of cooperation at
3 all?

4 JEH JOHNSON: To my disappointment, not
5 to my knowledge, sir. And this is a question I
6 asked repeatedly when I first learned of it. What
7 are we doing, are we in there? Are we helping
8 them discover the vulnerabilities? Because this
9 was fresh off the OPM experience, and there was a
10 point at which DHS, cybersecurity experts did get
11 in to OPM, and actually helped them discover the
12 bad actors, and patch some of the exfiltration's,
13 or at least minimize some of the damage.

14 And so I was anxious to know whether or
15 not our folks were in there, and the response I
16 got was FBI had spoken to them, they don't want
17 our help, they have CrowdStrike, the
18 cybersecurity firm. And that was--the answer I
19 got after I asked the question a number of times
20 over the progression of time.

21 PETER KING: Now that was, I assume
22 totally different from the reaction you got from
23 OPM.

24 JEH JOHNSON: The OPM effort, we were
25 actually in there, onsite, helping them find the

1 bad actors.

2 PETER KING: Do you know who it was at
3 the DNC who made that decision, or who was making
4 that resistance?

5 JEH JOHNSON: I don't, no.

6 PETER KING: Oh, do you know if the FBI
7 continued to try to help, try to assist?

8 JEH JOHNSON: I have--I've read in The
9 New York Times about those efforts, sometime
10 earlier this year.

11 [END RECORDING]

12 SEAN HANNITY: Didn't the FBI get a
13 little itsy, bitsy, teensy, weensy suspicious
14 that maybe the Democrats have stuff on there they
15 don't want them to see, and that's why they got
16 to bring in their own company. Why use the FBI
17 for free? Why use the Department of Homeland
18 Security for free? Why use some of the best cyber
19 experts in the entire world, why would you use
20 them, unless you have something to hide?

21 And why did the FBI let them get away
22 with it? That's the bigger question. I am more
23 convinced--and I do this, this is now based on my
24 knowledge, my best guess, it's not a Rachel
25 Maddow or Chris Matthews Obama-gasm, thrill up my

1 leg conspiracy theory. But my best guess is that
2 the Russians in no way--now, by the way, I have
3 no doubt that the Trump campaign would have loved
4 if the Russians had hacked into the DNC emails
5 and showed collusion with Bernie Sanders. I have
6 no doubt, if I was on the Trump campaign, I'd
7 want that information really out. I'd want the
8 truth about who Hillary really was out.

9 By the way, that would not be any
10 violation in any way, shape, matter of form, of
11 any law. You know, that's not collusion either.
12 There's no violation of law here. And as Jeh
13 Johnson testified, not one vote, again, not one
14 vote was in any way altered as a result of
15 Russian "interference", but what would the
16 collusion be about? What, that they would leak
17 the information to WikiLeaks?

18 Well, if Hillary and the DNC, they
19 would have let the FBI help protect their
20 computers, and if Hillary didn't put it in a mom
21 and pop shop bathroom closet, maybe they
22 wouldn't find themselves in this position. But I
23 guess it became such a good conspiracy, why not
24 go with it?

25 And then on top of that, then you got

1 the whole issue of okay, Trump, Russia--my
2 experience is telling me, I've interviewed Julian
3 Assange, and the world doesn't take the time to
4 listen to him. It was not Russia, it was not a
5 state. My guess is that there were dissatisfied,
6 disgruntled--this is my best guess here, not a
7 conspiracy, a guess, an intelligent guess, a
8 hypothesis, based on conversations, information,
9 obviously deeper digging than anything in law
10 enforcement seems to be willing to do, or in the
11 destroy Trump media.

12 My guess is that there are a lot of
13 angry, disgruntled, whistleblower-y truth tellers
14 within the DNC that were there, that saw the
15 collusion, that saw that the fix was in against
16 Bernie Sanders, that saw that there was
17 corruption at the highest levels, that saw that
18 this whole system was rigged, and they decided to
19 do something about it, which would then answer
20 the question of where WikiLeaks perhaps got its
21 information from, which might explain why Julian
22 Assange, in a Dutch interview, in my interview he
23 said it wasn't Russia. In a Dutch interview, he
24 didn't miss a beat. Our whistleblowers, they take
25 deep risks.

1 By the way, let me tell you about--and
2 then he talked about Seth Rich. Now, I don't know
3 anything about Seth Rich in this sense. I don't
4 have any information about why he was murdered,
5 expect that it was suspicious. And suspicious
6 meaning it wasn't a robbery, as they've claimed.
7 But otherwise, why would you not steal his
8 wallet, his phone, and his necklace or jewelry,
9 or watch and everything else? But beyond that, I
10 don't know how--I feel sorry for that family, as
11 I said. I don't know if he's the one that leaked,
12 but I would believe this has to be some group of
13 people in the DNC that saw the corruption of
14 Bernie. As for the leaking to WikiLeaks, that's
15 what I think came from disgruntled Democrats. Who
16 I don't know. I have my suspicions.

17 [MUSIC]

18 SEAN HANNITY: As we roll along, Sean
19 Hannity Show, 800-941-SEAN, you want to be a part
20 of this extravaganza. All right, we have
21 Congressman Mark Meadows. Without the Freedom
22 Caucus, the healthcare bill that got sent to the
23 Senate never would have happened. Now, it's not
24 going to be perfect. We have Rand Paul, who's
25 opposing it, along with Senator Johnson, Ron

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in black ink that reads "Sonya M. Ledanski Hyde". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: April 13, 2018

EXHIBIT 8

NewsRoom

5/29/17 FOX: SPECIAL REP. (Pg. Unavail. Online)
2017 WLNR 16703379

FOX: Special Report
Copyright (c) 2017 Fox News Network, Inc.

May 29, 2017

Memorial Day Tribute; Kushner and the Kremlin; Uphill Battle;
Continental Divide; Preparing to Launch; North Korea Missile Test;

JAMES ROSEN, FOX NEWS ANCHOR: On a day dedicated to America's war dead, President Trump pays his respects as the political turmoil swirling around him takes a personal turn.

This is SPECIAL REPORT.

Good evening. I'm James Rosen sitting in for Bret Baier.

President Trump today expressed what he called the nation's boundless and undying gratitude to the Americans who have fallen in battle and to the families they left behind.

The day of unity comes with the President freshly returned from his first foreign trip to a Washington seemingly obsessed with his political troubles. Attention has now come to focus on a senior advisor who is married to the President's daughter.

Correspondent Kristin Fisher kicks off our Memorial Day coverage from the White House tonight. Good evening -- Kristin.

KRISTIN FISHER, FOX NEWS CORRESPONDENT: Good evening.

Well, behind the scenes, the controversy surrounding Jared Kushner is taking up a lot of oxygen here at the White House. But today President Trump reserved all of his public remarks and almost all of his tweets for the men and women who died defending this country.

(BEGIN VIDEOTAPE)

FISHER: The commander-in-chief visiting Section 60 of Arlington National Cemetery, the section where U.S. military members killed in Iraq and Afghanistan are buried. Their families standing over their tombstones and sharing their painful stories with President Trump.

UNIDENTIFIED FEMALE: He said "Mama, I hope that people don't forget that I ever lived. And if you could remember just Jimmy, that would mean so much." I was a marine also and a marine and mother of a marine, it would mean so much to me, sir.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: We will do it.

While we cannot know the extent of your pain what we do know is that our gratitude to them and to you is boundless and undying.

FISHER: After laying a wreath at the Tomb of the Unknown Soldier, President Trump also paid tribute to his Homeland Security Secretary whose son died fighting for the Marine Corps in Afghanistan.

TRUMP: He understands more than most ever could or ever will the wounds and burdens of war.

FISHER: Yesterday, it was Secretary Kelly's turn to defend the President's son-in-law Jared Kushner against allegations that he'd attempted to establish a secret back channel with the Kremlin.

JAMES KELLY, U.S. HOMELAND SECURITY SECRETARY: Any channel of communication back or otherwise with a country like Russia is a good thing.

FISHER: Secretary Kelly wouldn't confirm it but he didn't deny it either, saying if Kushner did try to set up a secret line to Russia that it's normal, acceptable and not that big a deal. Republican Senator John McCain disagreed.

SEN. JOHN MCCAIN (R), ARIZONA: My view of it is I don't like it. I just don't -- I know that some administration officials are saying well, that's standard procedure. I don't think it's standard procedure.

FISHER: Fox's Catherine Herridge is reporting a source close to Kushner argues it was the Russians who first raised the issue not Kushner and that it was only discussed for a single call about Syria not as a permanent back channel that the "Washington Post" which broke the story alleged.

Even Senator Lindsey Graham, who doesn't always see eye to eye with this administration, says he doesn't trust it.

SEN. LINDSEY GRAHAM (R), SOUTH CAROLINA: I think it makes no sense that the Russian ambassador would report back to Moscow on a channel that he most likely knows we are monitoring. The whole story line is suspicious.

FISHER: Still, the negative press is casting a shadow over the senior advisor once thought untouchable. And right when rumors of a staff shake- up are heating up.

Now, the White House insists that any changes will be about adding to the team, not getting rid of people already in the West Wing. President Trump told the "New York Times" last night that he has total confidence in Kushner but Democratic Congressman Adam Schiff is now calling for his security clearance to be reviewed.

REP. ADAM SCHIFF (D), CALIFORNIA: You have to ask, well, who are they hiding their conversations from?

(END VIDEOTAPE)

FISHER: And that is the question that Jared Kushner will almost certainly be asked if he testifies on Capitol Hill. And tonight, a source close to Kushner says that he's eager to do so -- James.

ROSEN: Kristin Fisher, on the north lawn tonight. Kristin -- thank you.

The President wasted little time returning to the Twitter verse, his aim in part to present an optimistic view of his ability to enact his policy agenda on Capitol Hill.

Correspondent Doug McKelway reports tonight on the President's prospects for success on that front.

(BEGIN VIDEOTAPE)

DOUG MCKELWAY, FOX NEWS CORRESPONDENT: Hoping to carryover some of the momentum from what many regard as a mostly successful first foreign trip as president, Donald Trump is preparing to again tackle domestic policy in the so-called "swamp" of Washington.

TRUMP: You notice how much stronger we're getting? Are you feeling it? Are you feeling it?

MCKELWAY: It won't be easy. His domestic agenda remains under relentless from Democrats and mainstream media. With the fiscal year ending September 30, the clock is an enemy too.

SEN. BOB CORKER (R), TENNESSEE: It's obvious that not all of those things are going to get done in the next three months.

MCKELWAY: Adding to the uncertainty, a fractured Republican Party. While the GOP controls both Houses, the two have not yet agreed on an Obamacare replacement bill.

UNIDENTIFIED MALE: The House product, the Senate will have its own product and we will go to conference.

MCKELWAY: Complicating the GOP's lack of a coordinated health care message, the President's freelance tweeting continued last night with quote, "Suggest we add more dollars to health care and make it the best anywhere. Obamacare is dead. The Republicans will do much better."

That's a tough sell for a president who once wanted to cut healthcare spending, and for his party which still does. Republicans also remain divided over the President's budget. The chairman of the Senate Armed Services Committee noting that Mr. Trump's long-held promise of rebuilding the military falls short.

MCCAIN: It does not rebuild the military. It doesn't give us the ships and the numbers of personnel we need and the capabilities we need.

MCKELWAY: That, while Democrats hammer the budget from the other side.

SEN. DICK DURBIN (D), ILLINOIS: I do not believe we make America great again by cutting medical research to the lowest level in 12 years. I don't think you make America great again by saying to working families it's now more expensive for your kids to borrow money for student loans. You certainly don't make us a great nation by cutting back in infrastructure. All those three things are in the Trump budget.

MCKELWAY: Accused of a morally bankrupt budget, the President's budget point man fired back.

MICK MULVANEY, WHITE HOUSE BUDGET DIRECTOR: Because right now my unborn grandchildren are paying for it and I think that is morally bankrupt.

(END VIDEOTAPE)

MCKELWAY: Congress reconvenes the week of June 5, with another weeklong break for the Fourth of July and a six-week long August recess ending September 4. Not a lot of time to handle a calendar that is chockfull of major legislation -- James.

ROSEN: Doug McKelway. Doug -- thanks so much. Germany's foreign minister said today President Trump's policies are shortsighted and have weakened the west. It is just the latest criticism of the American leader from Europeans who have begun calling on their neighbors continental neighbors to stand on their own and rely less on the U.S.

Here is correspondent Rich Edson.

(BEGIN VIDEOTAPE)

RICH EDSON, FOX NEWS CORRESPONDENT: He challenged Europe to accept more responsibility and following President Trump's first overseas trip, European leaders appear to have received that message.

ANGELA MERKEL, CHANCELLOR OF GERMANY (through translator): The times in which we can fully count on others are somewhat over, as I have experience in the past few days.

EDSON: A trip that began with an opulent embrace of the kingdom of Saudi Arabia ended with a scolding of European democracies. In his speech last week to NATO, the President chided allies for failing to meet agreed-upon spending guidelines that the 28 NATO members would spend at least 2 percent of the size of their economies on defense. Only five do so.

TRUMP: Other member nations must pay more. The U.S. is currently paying much more than any other nation and that is not fair to the United States or the United States taxpayer.

EDSON: President Trump also failed to explicitly mention the U.S. commitment to Article 5, a section of NATO's treaty stating an attack on one NATO country is an attack on all.

However, senior administration officials later confirmed the U.S. is committed to NATO and its defense. Merkel says Europeans will maintain friendships with United States and Great Britain, even as the United Kingdom negotiates its withdrawal from the European Union though she's encouraging a stronger Europe.

MERKEL: We have to know we have to fight for our future and our fate ourselves as Europeans.

EDSON: The President also shared intense lengthy handshake with newly- elected French President Emmanuel Macron. He told the French publication, quote, "My handshake with President Trump President Trump was not innocent, not the alpha and omega of a policy, but a moment of truth. We must show that we will not make small concessions, even symbolic ones."

(END VIDEOTAPE)

EDSON: President Trump says he will decide this week whether he will withdraw the U.S. from the Paris agreement on climate change. Merkel says the G-7 conversation with President Trump on that topic amounted to six against one -- James.

ROSEN: Rich Edson -- thanks.

It is becoming almost a weekly exercise and tonight we are again confronted with a North Korean missile test -- one that could bring the communist regime closer to its goal of attaining a nuclear weapon.

Lucas Tomlinson is live at the Pentagon with details on the latest launch. Good evening -- Lucas.

LUCAS TOMLINSON, FOX NEWS PENTAGON PRODUCER: Good evening -- James.

U.S. officials say the Scud-C missile splashed down 240 miles from Japan after first reaching outer space. It's North Korea's third consecutive missile test in the past three weekends going back to Mother's Day.

Yesterday, Defense Secretary Jim Mattis says it's not just the missiles he's concerned about.

(BEGIN VIDEO CLIP)

JAMES MATTIS, U.S. SECRETARY OF DEFENSE: The North Korean regime has hundreds of artillery cannons and rocket launchers within range of one of the most densely-populated cities on earth which is the capital of South Korea. But the bottom line is it would be a catastrophic war if this turns into combat.

(END VIDEO CLIP)

TOMLINSON: Fox News has also learned that a separate test this weekend involving a surface-to-air missile called the KNO6, similar to the Russian S300 design. Images from North Korea's state-run media show the presence of Kim Jong-Un, leader of the rogue communist regime. U.S. officials say a North Korean MIG fighter jet crashed near the launch site of that surface- to-air missile test.

In an interview on CBS Secretary Mattis will not draw any red lines in North Korea, instead choosing to keep his cards close.

(BEGIN VIDEO CLIP)

MATTIS: At this time, what we know I'd prefer to keep silent about because we may actually know some things the North Koreans don't even know.

JOHN DICKERSON, CBS NEWS HOST: What keeps you awake at night?

MATTIS: Nothing. I keep other people awake at night.

(END VIDEO CLIP)

TOMLINSON: In the past few weeks, the Pentagon has doubled its firepower in the region. The USS Ronald Reagan strike group deployed from Japan joining the Carl Vinson in the region, giving American commanders two aircraft carriers and more warships capable of launching cruise missiles.

And James -- the Pentagon is conducting a missile test of its own tomorrow. The Missile Defense Agency will launch an intercontinental ballistic missile from the Marshall Islands in the Pacific into space and attempt to shoot it down with an interceptor missile from a base in California. Fox News will cover it -- James

ROSEN: A lot riding on that. Lucas Tomlinson, at the Pentagon tonight. Lucas -- thank you.

The growing concern over North Korea's nuclear ambitions is prompting lawmakers and one Pacific Northwest state to rethink a decades-old law that effectively barred authorities there from preparing for the unthinkable.

And as correspondent Dan Springer reports tonight, many now find that law itself unthinkable.

(BEGIN VIDEOTAPE)

DAN SPRINGER, FOX NEWS CORRESPONDENT: While emergency planners in Hawaii quietly prepare a response to a nuclear attack, a possible target on the West Coast is barred from taking any steps. Washington State allows evacuation plans for every disaster scenario except a nuclear bomb.

Former state representative Dick Nelson says planning a response only encourages an attack.

DICK NELSON, FORMER WASHINGTON STATE REPRESENTATIVE: You are really sending a message that if you're getting ready to do something maybe yourself.

SPRINGER: The law passed in 1984, seven years before the end of the cold war. It was the opposite approach taken by President Reagan, whose peace through strength doctrine helped lead to the collapse of the Soviet Union. A current state senator says Washington's law is irresponsible and naive.

MARK MILOSCIA, WASHINGTON STATE SENATOR: I think it's ridiculous and silly. It is sort of the head in the sand sort of mentality.

SPRINGER: Seattle could be in the crosshairs if Kim Jong-Un ever did the unthinkable. Naval base Kitsap has some 1,300 nuclear warheads, nearly a quarter of the country's arsenal and the largest stockpile of nukes in the world. It's also home to a major army base, is a high-tech hub, and the closest major U.S. city to North Korea.

But the state's top emergency planner says the current law is no big deal.

ROBERT EZELLE, WASHINGTON STATE EMERGENCY MANAGEMENT: We do not have a specific plan for nuclear attack, nor do we have a specific plan for a volcano or a number of other types of hazards.

SPRINGER: Robert Ezelle says he needs to spend his limited resources on prepping for the most likely disasters. And there would be some overlap in the response for say a major earthquake or a dirty bomb attack for which they have done drills.

(END VIDEOTAPE)

SPRINGER: Military experts believe North Korea is still at least three years away from having the capability to hit the West Coast with a bomb. It's got the attention of West Coast lawmakers who have

introduced a bill that would scrap the current restrictions and allow for the planning to save as many lives as possible -- James.

ROSEN: Dan Springer -- thanks.

More arrests and more self-examination tonight in England one week after that deadly bombing in Manchester. Senior foreign affairs correspondent Greg Palkot is in London tonight.

(BEGIN VIDEOTAPE)

GREG PALKOT, FOX NEWS SENIOR FOREIGN AFFAIRS CORRESPONDENT: One week after the brutal bombing at the Manchester Arena killed 22 and left over 100 injured, the investigation into the blast is intensifying.

Police revealing new images of the 22-year-old bomber -- British Libyan Salman Abedi -- just before the attack. Here he is shown with a suitcase which might or might not contain explosive material used in making his deadly backpack bomb.

Police searched a landfill near Manchester. There are fears another bomb could be out there. And in the southern U.K., a man who reportedly ran a Libya-based Web site was arrested, bringing to 14 now held by police, perhaps part of a network supporting the attacker.

AMBER RUDD, BRITISH HOME SECRETARY: Remember, this is still a live operation. We are still seeing arrests being made.

PALKOT: This, as the investigators are also being investigated. Probes are looking at how attacker Abedi slipped through the officials' net. Sky News reporting authorities were alerted three times Abedi was a possible security risk. While the man responsible for the carnage was reportedly in a group of 20,000 possible jihadis, he didn't make it into a smaller group that gets closer attention.

CHRIS PHILIPS, FORMER COUNTERTERRORISM OFFICIAL: Someone has to risk- assess, whether or not that person that they're talking about is actually at what stage they are perhaps in the radicalization process and what stage they are actually toward moving towards terrorism.

PALKOT: This is a long holiday weekend in the U.K., too. Amid high security events in Manchester, including a half marathon, involving 40,000 runners went ahead, a sign of defiance to the terrorist as the victims of the attack are remembered as well. 52 remain hospitalized; many of those killed or heard were children or teenagers.

UNIDENTIFIED MALE: You just feel is the best time to come down and pay your respects -- to have a moment and thank your lucky stars you still have your girls and it could have been you.

(END VIDEOTAPE)

PALKOT: Even though the terror threat here has been downgraded to severe, some 1,000 British police and counterterrorism officials are hard at work making sure that this terror cell at least doesn't strike again -- James.

ROSEN: Greg Palkot in London tonight.

When we come back, Bret Baier talks with the head of the Veterans Affairs Department about what's being done to improve medical care for America's heroes.

Also how military spouses are getting back to work from home base.

(COMMERCIAL BREAK)

ROSEN: A U.S. Navy seal is being mourned after tonight following his death yesterday in an unusual accident. The Seal, who has not yet been publicly identified, served on an elite parachute team. His chute failed to open during a Fleet Week demonstration over the Hudson River. An investigation is under way.

Tonight we also however have some good news for military families.

Correspondent Ellison Barber reports tonight on an effort to help military spouses find work while still taking care of things from the home front.

(BEGIN VIDEOTAPE)

ELLISON BARBER, FOX NEWS CORRESPONDENT: Lee Searle (ph) is a military wife and had been for 14 years but she also had a career.

LEE SEARLE, MILITARY WIFE: I was a lobbyist for builders and developers in Wisconsin and I absolutely loved it.

BARBER: Graduated college and received a law degree. In 14 years she has moved 11 times.

SEARLE: This is our second time in Germany. We ended up moving to Missouri which is my first duty station and then to Germany. And all of these locations were extremely remote and I realized that since our fourth move perhaps that work really wasn't going to be an option for me.

BARBER: A 2012 study by the Rand Corporation found that 42 percent of military spouses who are mostly women are not in the labor force, a number nearly two times higher than their civilian counterparts. Searle says often it's because they don't have a choice.

SEARLE: It's been harder to find work because now you're overqualified for the options that are around where you live.

BARBER: For her, the best option showed up online.

SEARLE: I started working remotely for a few companies and I realized that that was really how I was going to be able to maintain employment.

BARBER: And she also realized she wasn't alone.

SEARLES: There's hundreds -- literally hundreds of thousands of other military spouses who are just like me.

BARBER: The mother of two decided to do something about it. Three years ago she created company called America's Career Force, the idea is to connect military spouses with companies looking for remote workers.

SEARLE: There is almost one remote job in every company but it's not always advertised.

BARBER: For Searle, this isn't about money. It's about making sure military spouses don't feel like they've lost their purpose.

SEARLE: We suffer sometimes in silence and it's just -- the easiest thing for us is really remote work and if more employers would just open up their doors to that and look to America's Career Force for that candidate pool, that would be incredible.

(END VIDEOTAPE)

BARBER: And the First Family seems to be noticing what she's up to. Last year, Ivanka Trump posted about the organization on her personal Web site. The President shared it as well -- James.

ROSEN: Ellison Barber in our Washington bureau tonight. Ellison -- thank you.

While Memorial Day commemorates those who died in service to our country there is, of course, great concern on this holiday, indeed everyday for the veterans who live among us, especially those with serious health issues.

Our own Bret Baier sat down recently with the man whose job it is to see that those needs are addressed.

(BEGIN VIDEOTAPE)

BRET BAIER, FOX NEWS CHIEF POLITICAL ANCHOR: Mr. Secretary -- thanks for the time.

DAVID SHULKIN, U.S. SECRETARY OF VETERANS AFFAIRS: Thank you.

BAIER: It's Memorial Day -- do you have a message, first of all, for the men and women of the U.S. military?

SHULKIN: Well, this is an important time of reflection for our country. I think about all the families that today are going to be out visiting our national cemeteries. And with less than 1 percent of Americans now serving in our military, I think we owe those that serve a great deal of gratitude and reflect on the memory of those who have actually given their lives for our country.

BAIER: You have a big job. Have things changed? Are you seeing change?

SHULKIN: Well, I'm optimistic. I'm a doctor so I like to put things in terms of clinical terms. We are in the intensive care unit and we're monitoring things really closely. But I am optimistic that we are beginning to finally deal with the issues that have plagued the VA system for decades.

BAIER: Have you seen wait times change?

SHULKIN: We have. We're seeing an improvement. Our job is not done but we now have same-day services for primary care and mental health in every one of our VAs. We have published our wait times so everybody

can see where they are. We are the only system in the country that has done that. And we're working really diligently to make sure that nobody who has an urgent medical need is waiting for care.

BAIER: So how did you do it? Did you do something different than Secretary McDonald was not doing?

SHULKIN: We are. We are doing a lot of different things. We are hiring more people. We're making sure that our leadership knows what their job is and they are focused on it. And by publishing our wait times and making them open, it's a way of actually fixing our system and making sure that people know that we are focused on the right job.

BAIER: You just fired the head of the D.C. VA hospital. In late April, you fired the head of the Shreveport VA. Is it easier to fire people when you find out egregious things that are happening?

SHULKIN: Well, it is still too hard to make sure that when our leadership loses its way that we are able to remove them from service. So we do need legislation to help me do the job that the American people want me to do.

And the House has passed a bill. We are looking forward to the Senate introducing the bill in the next few weeks so that we can get those authorities that we need.

BAIER: Do you know how many people you fired?

SHULKIN: I don't keep track of the number. I make sure that when I find a situation where somebody has really deviated from our values that they no longer are in the VA system.

BAIER: What is the biggest problem? I mean if you were to just boil it down, what's the biggest problem in terms of services?

SHULKIN: The biggest problem is that the VA has failed to modernize when the rest of health care has been actively changing and evolving. So we are hard at work at now making those decisions. The President's budget that was just given to us allows us the resources to invest in making the VA system that we're all going to be proud of.

BAIER: You know, taking a look at that budget, it is \$4.3 billion, roughly 5.8 percent and is seen as a plus. However with that come some changes that are not welcome. The American Legion is ripping the budget saying, "The administration's budget would effectively lower the earnings of the most vulnerable veterans by reducing or eliminating disability payments from veterans who are most in need. This plan breaks faith with veterans. They are talking about this effort to essentially change, what in essence is, the unemployment payments. What about that?

SHULKIN: Well, look, I have a great deal of respect for organizations that serve veterans like the American Legion and I take their concerns seriously. But let's remember the budget that the President put forward is a big increase and provides more resources to the VA.

What we are doing is, we are also looking at our current programs and making sure that we are revising them where we think there's opportunity to shift resources to help more veterans.

In the case of unemployment, this is a program that doesn't have an end to the age limit for where we pay unemployment. So we are currently paying 7,000 veterans for unemployment above the age of 80 years old.

We think it's appropriate to take a look. Can we do this better so we can shift resources, not take them away, to other veterans that are in need?

BAIER: Is the system overloaded with noncombat veterans?

SHULKIN: Right now, as you know, we are providing care to every combat veteran after they leave the service, but the majority of our veterans that we serve are now in older age groups, particularly the Vietnam veterans who are coming in. The average Vietnam veteran now -- 67 years old, and the older they get, unfortunately they need more health care services so we are dealing with an older veteran population.

BAIER: It's been two years since Congress passed a major bill to reform the VA system. Did it work?

SHULKIN: I think that the bill that Congress passed did work. It provided us the opportunity to get veterans who were waiting for care out into the community and now one-third of the care that we deliver is outside the VA system. We do need Congress to help us in revising the system to make it work even better for veterans.

If we're going to fix the system, it's going to be in partnership with the President's leadership and a partnership with Congress.

BAIER: Is part of that giving vouchers for private coverage for private health care work?

SHULKIN: Well, what I've said is that what we learned in this last crisis from 2014 is that the VA needs to get better but it can't do it alone. And the system that's going to work best for veterans is an integrated system between the VA system -- a strong VA system working with the private sector.

BAIER: Where do you put the number for suicides?

SHULKIN: Well, my single clinical priority is to reduce veteran suicide. Today unfortunately we have 20 veterans a day who are taking their life through suicide. That is just completely unacceptable.

BAIER: Twenty a day.

SHULKIN: Twenty a day. And so of those, about six are getting care in the VA system but 14 are out in the community. I worry most about those that aren't getting the care they need. So this is something that suicide prevention is everybody's problem. We need to work with community groups, family members, veterans, veterans organizations, to make sure we are getting veterans the care they need.

BAIER: There are a lot of important jobs in government, Mr. Secretary, but yours may be most important, especially when we look on this Memorial Day.

SHULKIN: Thank you very much.

BAIER: Thank you very much.

SHULKIN: Thank you.

(END VIDEOTAPE)

ROSEN: And now a correction to a correction I offered on this program on Friday.

Last week, we reported on recently declassified documents in which the FISA court sternly admonished the FBI for violations of Americans' Fourth Amendment rights during the Obama era. I made two errors. I said the Web site Circa broke the story and I said the "New York Times" and "Washington Post" hadn't covered it. And my last attempt at a correction didn't do it justice.

So here is take two. In fact it was the "New York Times" Charlie Savage who first broke the NSA violations and the FISA court's intervention in an exclusive that was published on Page A-1 on April 28. The "Washington Post" followed the next day with an article that cited the "Times" reporting.

Then on May 11, after the FISA court documents were declassified on the Website of the Office of Director of National Intelligence, Charlie Savage again reported on the matter for the "Times" including quotations from the FISA court documents.

I regret those errors.

Police in Portland say the man suspected of fatally stabbing two bystanders who rushed to the aid of two young women was involved in a pair of separate train station incidents one day earlier. Jeremy Joseph Christian is accused of killing two men at the station Friday. Police say his victims were standing up for two women under verbal assault by Christian. One of the women told a local TV station the suspect told them to go back to Saudi Arabia and get out of his country. President Trump tweeted "The violent attacks in Portland on Friday are unacceptable. The victims were standing up to hate and intolerance. Our prayers are with them."

Tiger Woods has been arrested on a DUI charge. Police in Florida say the golf legend was booked into a county jail around 7:00 this morning. He was released on his own recognizance just after 11:00. Woods is currently sidelined from competition after undergoing his fourth back surgery in April. He said last week he's feeling better than he has in years and has no plans to retire from competitive golf.

Award winning sports writer and commentator Frank Deford has died. Deford was a six-time sportswriter of the year and an inductee of the Sportswriters and Broadcasters Hall of Fame. Deford was the first sportswriter awarded the National Humanities Medal by then President Obama in 2013. He retired this month from NPR's "Morning Edition" after 37 years as a contributor. Frank Deford was 78.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

REP. ADAM SCHIFF, (D) INTELLIGENCE COMMITTEE RANKING MEMBER: To have the president's son-in-law, a key player within the Trump organization, trying to establish a backchannel with the Russians through a Russian diplomatic facility, you have to ask, well, who are they hiding the conversations from?

JOHN KELLY, HOMELAND SECURITY SECRETARY: Multiple ways to communicate back and forth is a good thing with any country, I think and particularly a country like Russia.

DICK DURBIN, (D) SENATE MINORITY WHIP: This is a rumor at this point and whether it is something that should be followed up on, I'll trust Bob Mueller's judgment.

SEN. LINDSEY GRAHAM, (R) SOUTH CAROLINA: I don't trust this story as far as I can throw it.

SEN. BILL CASSIDY, (R) LOUISIANA: This will play out. We'll know eventually. Right now Americans need help with their premiums.

(END VIDEO CLIP)

ROSEN: Reaction to a "Washington Post" story that broke late Friday reporting that White House adviser and presidential son-in-law Jared Kushner sought during the transition to create a secure backchannel line to the Kremlin. Sources telling our Catherine Herridge it was the Russians who raised the issue and is one-time event, not as a permanent hotline. Let's bring in our panel, Charles Lane, opinion writer for the "Washington Post," Mollie Hemingway, senior editor at "The Federalist," and syndicated columnist Charles Krauthammer. Charles, to you first?

CHARLES KRAUTHAMMER, SYNDICATED COLUMNIST: I'm with Lindsay here. I don't trust the story. The Russians are leaking it clearly on a channel they know we're going to pick up. The Russians are masters of disinformation. They already have Washington with its knickers in a twist over the Russia conspiracy. This is an added twist. Somebody is going to get a hernia here. I think I'll stop the metaphor at that point.

But we have no idea if it's true. Let's say it is true. Isn't the problem here, the accusation here that there was some collusion during the campaign with the Russians? Everyone agrees if the story is true it occurred after the campaign during the transition. So unless there is some nefarious connection, there is no connection to what was alleged to have happened during the campaign.

And lastly, we've had backchannel connections with adversaries for generations. Henry Kissinger had them with the Russians and the Chinese. Hillary had a backchannel to establish the opening of negotiations with the Iranians in what ended up as the Iranian nuclear deal.

ROSEN: And Barack Obama with Cuba.

KRAUTHAMMER: It's absolutely -- yes. And the negotiations occurred in Canada in secret are negotiations with the Cubans. This happens all the time. I don't quite understand where is the crime other than it's another piece that has Russia in the headlines, Trump people in the headline, and thus it is supposed to be scandalous. Show me.

ROSEN: We should point out that Mr. Kushner has not been accused of any formal crime of any kind and indeed he has through his lawyer pledged to cooperate with the various investigations. President Trump was quick to his son-in-law's defense, tweeting, and I quote, "Jared is doing a great job for the country. I have total confidence in him. He is respected by virtually everyone and is working on programs that will save our country billions of dollars." In addition to that the president tweeted "And perhaps more importantly, he is a very good person." But Mollie, is Jared Kushner now somehow suddenly a liability for this president?

MOLLIE HEMINGWAY, "THE FEDERALIST": Journalists in Washington D.C. are living in some kind of dramatic alternate reality. They are willful participants in a coordinated campaign where you get selective information, half-truths. It's always without context. It's frequently incorrect. And then they use this to sort of prove the point that they've already concluded, which is that Donald Trump is a traitor in the White House, then they backfill with information like this.

In point of fact, if this is even true, such backchannel communications are quite common. President Barack Obama before he was even elected sent an advisor to Iran to set up a backchannel with that country. That was a sworn enemy of the United States. And somehow the media were able to handle that information without losing their minds. And yet here as part of this drip, drip, drip campaign, we're supposed to believe that this is somehow quite nefarious without any evidence that is in fact nefarious.

ROSEN: Chuck Lane.

CHARLES LANE, OPINION WRITER, "WASHINGTON POST": It's true there is a lot of misinformation floating around in the media. I'm thinking of the conspiracy theories about Seth Rich's death, some things that have come out of the White House involving the crowd estimates. So yes, we do have to be careful about the veracity of the information circulating in Washington. Having said that, unless I missed it, the White House has not denied this "Washington Post" story, have they? I don't think they have.

ROSEN: Sources close to Jared Kushner told our Catherine Herridge, said it wasn't his idea at all. It was a Russians and it was a one-time --

LANE: That is different from the that position. They're recasting it.

Let me explain why. And I agree with all the people who said we don't know nearly enough about this. This is a very sketchy scenario. But it isn't true that it's totally innocent and has nothing to do with collusion because obviously if there had been collusion during the election, this kind of special favoritism toward Russia could be the consequence of some sort of collusion and cooperation between these two people. Part of the reason people are suspicious about this is that President Trump throughout his campaign, for what seems to be extremely mysterious reasons, preferred one leader out of all the leaders in the whole world that he constantly praised, constantly touted as a potential American ally, and have no criticism about whatsoever, and there was Vladimir Putin of Russia. And that outstanding fact that separated him from all the other candidates and indeed from every recent American political leader cries out, is a very mysterious fact that cries out for --

KRAUTHAMMER: The conspiracy theory hangs on the word "could." The fact that he is trying to establishment a channel and the Russians were could indicate that there was this collusion during the campaign. Yes. It could. It could also indicate that anything is possible, that they could have invented a flying machine. Show me the connection.

LANE: That's why I said at the beginning we need to know more information about this.

KRAUTHAMMER: In the absence of a connection it's nothing but a conspiracy theory.

ROSEN: Mollie?

HEMINGWAY: Throughout the campaign Donald Trump repeatedly said he looked for opportunities to work with Russia. Just because he doesn't share everybody else's hysteria about a country that is not just a superpower but a nuclear superpower and one that you do need to have some relationship with, doesn't mean that it's nefarious, again.

KRAUTHAMMER: A country that is trying to destroy our traditional allies, a country that persecutes homosexuals.

ROSEN: The president has also made clear throughout the stages of the campaign and even into the transition in his early days as president that it was quite possible from where he say that he wouldn't get along at all with Vladimir Putin.

LANE: The irony is that relations haven't been very good.

ROSEN: Let me put one other thing to you, Chuck. I saw a headline in "The New York Times" today that I thought was fascinating. It states simply put, "A Constitutional Puzzle -- Can the President be Indicted?" Chuck, is that something that's fit to print right now?

LANE: I honestly didn't read the story. It is an old conundrum of constitutional law whether or not --

ROSEN: Is it timely. Should it be on the front page of "The New York Times"?

LANE: I'm going to say, since I didn't read the story, I'm not going to give you an opinion on live television about that.

ROSEN: Whether the story was expertly crafted or not, do you believe the "New York Times" should be reporting on its front page on what is this, day 140 or so of the president's term, can the president be indicted?

LANE: Again, I'm not going to go there because I'm not going to question the news judgment of "The New York Times" about anything.

ROSEN: Dr. Krauthammer, we have 30 seconds.

KRAUTHAMMER: All I would say is that seems to assume a crime. What's the crime?

LANE: I think a lot of people are wondering about the issue. I would put it to you that way.

ROSEN: People wear?

LANE: In America.

HEMINGWAY: Mostly in newsrooms it seems like.

LANE: No.

HEMINGWAY: In fact in the rest of the country people are kind of wanting journalists to get a grip and get a handle on it.

LANE: Maybe they're wondering whether Seth Rich was assassinated by Hillary Clinton, things like that, that's what their really wondering?

ROSEN: Well, I mean, to raise that, here we have the president of the United States, and the questions being raised by the leading newspaper in the country as to whether or not he could be indicted, and the subtext is imminently, right, that this is timely.

LANE: James, I already told you I didn't read the story so I don't know what the text was, let alone its subtext.

ROSEN: OK.

KRAUTHAMMER: Whatever the text, what's the crime?

ROSEN: All right, stay right where you are, panel. We will be right back with you. President Trump made quite an impression overseas but was it a positive one? And did it on balance put America first? The panel will tackle that and more, maybe each other.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

ANGELA MERKEL, GERMAN CHANCELLOR, (via translator): The times in which we can fully count on others are over as I've experienced in the past few days. And that is why I can only say the Europeans must really take our destiny into our own hands.

SEN. JOE DONNELLY, (D) INDIANA: I think it's really heartbreaking. This is exactly what Putin is trying to do is to separate the countries in the EU, to separate our NATO partners, and to drive a wedge between us.

DINESH D'SOUZA, CONSERVATIVE FILMMAKER: I think it's the kind of declaration of independence on the part of Angela Merkel, and it's very good news. It basically means that Europe will be taking more responsibility for its own security. At first glance this seems alarming because it changes arrangements that we've had in place really since World War II. But you've got to realize that the underlying logic of those arrangements has gone away.

(END VIDEO CLIP)

ROSEN: All right, some of the sights and sounds following President Trump's return from his first foreign trip as president of the United States. And we are back with our panel. Chuck Lane of "Washington Post," your thoughts on the president's trip and those comments?

LANE: Today is not only Memorial Day. It is the 100th anniversary of John F. Kennedy's birth. And when he took office, one of the first things he did was to reach out and assure our western European allies at his inaugural address by saying the United States would pay any price, bear any burden. You know that well as a student of the 1960s and its history, James, to assure the survival and success of liberty. And that speech was aimed very much at West Germany, France, and Great Britain.

Today we have a president who says it is unfair to the American taxpayer to pay for NATO. This tremendous historic shift in tone is now having its consequences. What Dinesh D'Souza said is not incorrect. Obviously the circumstances, the underlying strategic considerations have changed tremendously since Kennedy's time. But the huge investment over generations in this relationship has paid very rich dividends in security and freedom for both sides of the Atlantic, and I think we are all at risk of seeing that liquidated.

ROSEN: The president pronounced judgment on his own first foreign trip pretty swiftly, tweeting Sunday at 8:10 in the morning, "Just returned from Europe. Trip was a great success for America. Hard work but big results." Is that true, Mollie?

HEMINGWAY: I think it was undoubtedly a tremendously successful trip and it's interesting that he was able to accomplish that. But I think only one State Department person in place which speaks to weather maybe the bureaucracy isn't quite as good at handling these things as maybe some people who have a different take on.

Also I think with the Merkel thing, that was a little bit over-interpreted. She herself had many caveats in how she talked about the changes in the relationship, and it's really just common sense. Obviously NATO countries do need to take more responsibility for their own defense. They need to allocate their resources more toward a defense posture than just sort of a glorified defense jobs program. And that is only right and responsible for leaders.

Also I think the media take a little bit too much interest in what other politicians are saying, foreign leaders. They give them this difference that they wouldn't give a U.S. politician not named Barack Obama. Angela Merkel obviously understands that she can use Trump as sort of an anti-immigration foil. She has got some unpopularity problems to deal with in her own country, and so we should understand that all politicians are political creatures.

ROSEN: To the extent that Chancellor Merkel was throwing shade at the American president after this trip, it might involve a bit of payback. After all, President Trump as candidate Trump on the campaign trail had a few things to say about Angela Merkel.

(BEGIN VIDEO CLIP)

DONALD TRUMP, (R) PRESIDENT OF THE UNITED STATES: Hillary Clinton wants to be America's Angela Merkel. And you know what a disaster this massive immigration has been to Germany and the people of Germany.

What's happening in Germany, I always thought Merkel was like this great leader. What she's done in Germany is insane. It's insane.

(END VIDEO CLIP)

ROSEN: Charles Krauthammer, I remember after the president's inaugural address on that very day, you made a point very similar to what Chuck Lane just told us, that in essence you saw the president in that inaugural address basically saying the postwar era is over. We are not the U.S. of the Marshall plan anymore, even though those were not his words. Do you see that he has followed through on that in inauguration address in his conduct on this trip?

KRAUTHAMMER: I think so, and I was not a fan of the inaugural address. I think it's a huge mistake on our part, and I think we will rue the day that we began to sort of encourage this rift. This is Trump encouraging the rift. Yes, we do want the Europeans to take more responsibility. But in the end, the Germans, the Estonians, the Latvians are not going to hold off the Russians. This is all about Russia. The first secretary-general of NATO said the purpose of NATO is to keep the Russians out, the Americans in, and the Germany down.

The question the Europeans are asking, are the Americans in? What Trump does not understand is that we did not do the Marshall plan or NATO or 70 years of leading the largest free nation alliance in history out of a sense of altruism. The point was to be the leaders of a bloc, which we are, which is prosperous, free, and it lightens the load. If we had to defend ourselves in the Soviet era against the Russians and Chinese and the Iranians and the others all by ourselves, it would be insupportable. Alliances multiply our strength, and to the extent that we alienate them as Trump did in his speech at NATO, it is a detriment to our national security.

ROSEN: The newly elected French president Emmanuel Macron spoke about that white-knuckle handshake with President Trump and said "My handshake with him wasn't innocent. It's not the be-all and end-all of the policy," I think he said "alpha and omega." But it was a moment of truth. Chuck Lane, do you think European leaders are implacably opposed to working with Donald Trump, or do you think there is still room for him to accomplish things with people like Macron, Merkel, et cetera?

LANE: I thought that quote from President Macron was a wonderful example of French political rhetoric. It sounds very portentous, and you know it means something, but you can't quite tell what. My best guess would be some combination of what Mollie just said and what Charles just said. So, yes, there's a lot of domestic European politics going on here. What Merkel is doing vis-a-vis Trump is both real and to her domestic political advantage because Trump is so unpopular. Macron, same way. Trump has low ratings. By distancing himself from Trump, he helps himself politically.

ROSEN: All right, thank you, panel. When we come back, an ambitious effort to put faces to the names of those we lost in Vietnam. Stay with us.

(COMMERCIAL BREAK)

ROSEN: Finally, on this Memorial Day, an effort, heroic on its own terms, to put faces to the names etched on one of the capitals most frequently visited war monuments. He is correspondent Garrett Tenney.

(BEGIN VIDEOTAPE)

GARRETT TENNEY, FOX NEWS CORRESPONDENT: More than 58,000 names are on the Vietnam memorial wall, including James Walter Prather. But to his four sister, Private James Prather is much more than just a name.

UNIDENTIFIED FEMALE: He was a do-gooder.

UNIDENTIFIED FEMALE: James was a very spiritual, even though he was young.

UNIDENTIFIED FEMALE: He would laugh at anything.

UNIDENTIFIED FEMALE: He always treated me with affection.

TENNEY: He was a football star. He loved chocolate cake, and his most prized possession was his 1957 Chevrolet. Those kinds of things that make a person who he is, you can't know for my name on a wall. That's why the Vietnam Veterans Memorial Fund has created a virtual wall of faces with pictures and stories to go with the names of the men and women who sacrificed their lives in Vietnam.

UNIDENTIFIED MALE: You have to bring that to life to people to understand the impact. And 58,000 names, that is 58,000 lives cut short. There are dreams unfulfilled, families that were forever changed.

TENNEY: More than 5.5 million visitors come to the wall each year, and on any given day you can see those who lives are still impacted by Vietnam. Eventually the Vietnam Veterans Memorial Fund hopes to open an education center across the street featuring a two story virtual wall of faces.

Over the last eight years, while the Vietnam Veterans Memorial Fund has been raising money for the project, it has collected photographs of nearly every service member killed in Vietnam. But there are still thousands of pictures missing.

UNIDENTIFIED MALE: We still have about 6,600 to go. And we need help from volunteers around the country to help find those last photos.

TENNEY: For the Prather sisters, there is no better way to honor those who gave the ultimate sacrifice than ensuring they are remembered as more than just a name.

PEGGY PRATHER SAUNDERS, SISTER: That was my brother. You want to tell someone, so by putting the faces out there, other people knowing about it, wow. When I am proud, I want you to know about it. I want you to know about it. It makes a difference.

TENNEY: In Washington, I am Garrett Tenney, FOX News.

(END VIDEOTAPE)

ROSEN: Thank you for spending part of your Memorial Day with us this evening. Amid the bargain sales, cookouts, and family gatherings, let's take a moment to remember all those men and women who gave their lives in defense of this country. Thanks so much for watching SPECIAL REPORT. I am James Rosen in for Bret Baier, who will be back tomorrow. Goodnight from Washington. "The Story" with guest host Sandra Smith filling in for Martha MacCallum, starts right now.

END

[Copy: Content and Programming Copyright 2017 Fox News Network, LLC. ALL RIGHTS RESERVED. Copyright 2017 ASC Services II Media, LLC. All materials herein are protected by United States copyright law and may not be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of ASC Services II Media, LLC. You may not alter or remove any trademark, copyright or other notice from copies of the content.]

---- Index References ----

Company: FOX NEWS NETWORK LLC; HOLLYWALL ENTERTAINMENT INC; RAND CORP (THE); TRUMP ORGANIZATION INC (THE)

News Subject: (European Union (1EU94); Government (1GO80); Legislation (1LE97); Lobby & Pressure Groups (1LO18); NATO (1NA95); U.S. Legislation (1US12); World Organizations (1IN77))

Industry: (Aerospace & Defense (1AE96); Broadcast TV (1BR25); Defense (1DE43); Defense Policy (1DE81); Entertainment (1EN08); TV (1TV19); TV Stations (1TV23); Traditional Media (1TR30))

Region: (Africa (1AF90); Americas (1AM92); Arab States (1AR46); Asia (1AS61); Central Europe (1CE50); Eastern Asia (1EA61); Europe (1EU83); Eurozone Countries (1EU86); Far East (1FA27); France (1FR23); Germany (1GE16); Gulf States (1GU47); Indo China (1IN61); Iran (1IR40); Libya (1LI91); Louisiana (1LO72); Mediterranean (1ME20); Middle East (1MI23); North Africa (1NO44); North America (1NO39); North Korea (1NO24); Saudi Arabia (1SA38); South Carolina (1SO63); South Korea (1SO65); Southeast Asia (1SO64); Southern Asia (1SO52); U.S. Southeast Region (1SO88); U.S. West Region (1WE46); USA (1US73); Vietnam (1VI02); Washington (1WA44); Western Asia (1WE54); Western Europe (1WE41))

Language: EN

Other Indexing: (ASC Services II Media LLC) (Jared Kushner; JOHN KELLY; Tiger Woods; James Walter Prather; Lee Searle; Kristin Fisher; Chuck Lane; Lindsey Graham; Private; MICK MULVANEY; Lucas Tomlinson; Adam Schiff; Dan Springer; McDonald; JOE DONNELLY; Bret Baier; Catherine Herridge; MARK MILOSCIA; Seth Rich; Salman Abedi; Mollie Hemingway; Greg Palkot; Barack Obama; Charles Krauthammer; Henry Kissinger; Dinesh D'Souza; Jeremy Joseph Christian; DAVID SHULKIN; Ivanka Trump; Kim Jong-Un; JAMES KELLY; DICK DURBIN; CHRIS PHILIPS; Bob Mueller; AMBER RUDD; Frank Deford; Martha MacCallum; Sandra J. Smith; Sandra Smith; JAMES MATTIS; JAMES ROSEN; Vladimir Putin; Ellison Barber; JOHN DICKERSON; Rich Edson; John Kennedy; Donald John Trump; Donald Trump; John McCain; Charlie Savage; BILL CASSIDY; Garrett Tenney; Doug McKelway; Emmanuel Macron; John McCain disagreed; Charles Lane; Ronald Reagan; PEGGY PRATHER SAUNDERS; Jim Mattis; Dick Nelson; Hillary Clinton; Robert Ezelle; Angela Merkel)

Word Count: 8588

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.

NewsRoom

EXHIBIT 9

1

2

3

4

5

6

7

8

9

10

11

12

13 Fox Broadcasting Network Live

14 After the Bell

15 July 11, 2017

16 4:32 pm to 4:48 pm

17

18

19

20

21

22

23

24

25

1 REP. ADAM SCHIFF: In the summer of last
2 year, the Russians were in possession of
3 information they believed would be damaging to
4 Secretary Clinton and helpful to the Trump
5 campaign. Some of this information they stole
6 from the computers at the DNC and elsewhere.

7 In June, we now know that through
8 intermediaries, the Russian government sought to
9 approach the Trump campaign to see whether they
10 would be interested in damaging information about
11 Hillary Clinton.

12 In late July, the President quite out
13 in the open, then candidate Trump, urged the
14 Russians to hack Hillary Clinton's emails and
15 said they would be richly rewarded.

16 During the course of our investigation
17 one of the questions we have sought to answer is
18 was there private activity by the campaign in
19 parallel with the very public request that now
20 President Trump, then candidate Trump, made for
21 the Russians to hack and release Hillary Clinton
22 information. Because we now know the response
23 that the President's son gave to the Russians was
24 that he would love it if they would provide
25 damaging information about Hillary Clinton.

1 Rather than report this overture by the
2 Russian government to provide damaging
3 information to intervene in the presidential
4 election in a way to help his father, neither the
5 President's son nor the campaign reported this
6 information to the FBI.

7 When it became obvious that the emails
8 were being dumped, when it became obvious this
9 was being done by the Russian government, when
10 our own intelligence community issued a statement
11 in October affirming that this was being done by
12 the Russians, did the Trump campaign then
13 disclose that in fact they had received an
14 overture to receive damaging information? The
15 answer, of course, is no they didn't.

16 So, this is obviously very significant,
17 deeply disturbing, new public information about
18 direct contacts between the Russian government
19 and its intermediaries and the very center of the
20 Trump family campaign and organization.

21 Now, obviously, we need to get to the
22 bottom of exactly what happened, what was said in
23 that meeting, any of the information that went
24 into organizing that meeting, as well as if that
25 meeting was just the beginning, or that was a

1 testing of the waters by the Russians to see
2 whether the campaign would be receptive to their
3 engagement and involvement in the presidential
4 election.

5 So, this is, I think, a very key
6 development in terms of what the public is aware
7 of. Our work continues. We are interviewing new
8 witnesses each week, sometimes more than one each
9 week. We will be doing that until we get the
10 bottom of not only these additional facts, but
11 all the others that we're exploring. And with
12 that, I'd be happy to respond to your questions.

13 Yes.

14 REPORTER 1: You mentioned that this
15 seems to have been directed by the Russian
16 government. Have you seen any evidence to say
17 that this Russian lawyer was in fact directed by
18 the Kremlin to meet with the Trump campaign? And
19 secondly, have you seen any evidence of other
20 meetings that may have occurred between Trump
21 associates and Russians beyond this one?

22 REP. ADAM SCHIFF: I can't go beyond the
23 four corners of what's already in the public
24 domain, but I think that the emails themselves,
25 which have now been verified by the Trump

1 campaign itself, the President's son himself,
2 make very clear that government officials within
3 the Russian government had information they
4 thought was damaging to Secretary Clinton that
5 they wanted to share with the campaign. And they
6 made arrangements to provide a channel to do
7 that, and this Russian advocate was that channel.

8 Now, obviously, one of the things that
9 we need to investigate was/is did this just begin
10 the conversation? Did she report that
11 information, the receptivity to getting that
12 information, back to Moscow? Did Mr. Gladstone
13 report back to the family that had approached him
14 to say they would love to get this, and in fact,
15 they would not only love to get it, they would
16 love to get it late in the summer? And of course,
17 it was late in the summer that the stolen emails
18 began to be published.

19 So, these are the kind of questions
20 that need to be answered. But here, I think you
21 have quite direct evidence that the Russian
22 government had damaging information, communicated
23 that to the campaign, and all of the campaign
24 denials of whether we knew this was going on or
25 whether the Russian any involvement, whether the

1 Russians wanted to help his campaign, obviously
2 now have to be viewed in a completely different
3 context.

4 REPORTER 2: Were you aware at the
5 beginning [UNINTEL PHRASE] had the Committee been
6 in touch with Trump Jr. or his lawyer [UNINTEL
7 PHRASE] to request the documents [UNINTEL
8 PHRASE]?

9 REP. ADAM SCHIFF: We will certainly
10 want to have him come before the Committee. I
11 don't want to discuss any communications we're
12 having with witnesses. They are free to disclose
13 them themselves. We'll certainly want him to come
14 in. We'll want everyone connected with this
15 meeting to come in. We'll want any documents that
16 they may have.

17 You know, plainly, as we saw the
18 constantly evolving stories from the President's
19 son, we cannot rely on any public representations
20 that are made by the family about their contacts
21 with the Russians. We have now seen a very
22 demonstrable pattern of obfuscation and
23 dissembling about these meetings, originating
24 with denials--we've never had these meetings--
25 then forced acknowledgment once the meetings were

1 disclosed, and then a shifting explanation about
2 what the meetings were about. In this case, the
3 claim was this was about adoptions. And then it
4 was, well it was--we brought the campaign
5 manager.

6 And it's significant to me that they
7 invited the manager of the campaign. If this was
8 not a campaign meeting, as they originally said,
9 what was Paul Manafort doing there? But of
10 course, the reason the Russians were approaching
11 them was precisely because he was the apparent
12 nominee at that point.

13 So, we're going to want to hear from
14 everyone connected to this. We're also going to
15 want to see, as referenced in that email, whether
16 a President's assistant received any
17 communication from the Russians as well. That was
18 another channel that was alluded to in those
19 emails.

20 REPORTER 3: Do you know who that
21 Russian lawyer was [UNINTEL PHRASE] by the
22 Russians to see how the Trump administrator
23 [UNINTEL PHRASE]?

24 REP. ADAM SCHIFF: It certainly appears
25 that way, that this is, you know, very much

1 consistent with the Russian practices, with
2 essentially their operating procedures, where
3 they will use civilians, they'll use oligarchs,
4 they'll use others. They'll look for
5 relationships. And here, the emails, I think,
6 make quite clear that the Russian government had
7 possession of damaging information. They thought
8 the way to get that to the Trump campaign to test
9 whether Donald Trump wanted this information was
10 to go through people he had done business with.
11 And indeed, this is the modality the Russians use
12 elsewhere.

13 So, who had they done business with?
14 Well, they had done business with a gentleman
15 that is known as the Russian Donald Trump, who
16 had worked on the Miss Universe pageant, who had
17 business discussions with the President over
18 having a Trump tower in Russia. So, they go to
19 this oligarch; they go to the son, who knows the
20 son of the now President; they find out, yes,
21 there is a deep interest in this; and then they
22 dispatch this advocate for the Kremlin.

23 Now, why would they choose her? They
24 might choose her because she gives them some
25 deniability, as opposed to someone who has a more

1 direct connection to the government. Obviously,
2 this is something that we need to determine, but
3 it would be consistent with Russian tradecraft to
4 do exactly this.

5 REPORTER 4: Senator Schiff?

6 REP. ADAM SCHIFF: Yes.

7 REPORTER 4: Some of your colleagues are
8 beginning to use the word treason. Even if you
9 don't want to go that far or draw any conclusions
10 yet, do you see possible violations of criminal
11 law here, or is this just a breach of norms and
12 etiquette governing our [UNINTEL]?

13 REP. ADAM SCHIFF: Well, it is
14 absolutely not only a breach of norms, but a
15 breach of civic responsibility to the country. If
16 you get approached by a foreign government
17 offering to interfere in a presidential election,
18 you go to the FB. You report it. That's what a
19 decent citizen would do.

20 And I don't want to see us continue to
21 lower the bar here and say the only question is
22 whether this is illegal. This was unethical. It
23 was, I think, in violation of the oaths of
24 citizenship to willing solicit, receive,
25 encourage foreign intervention in our election.

1 So, this is a very serious business,
2 whether criminal laws were violated or not. There
3 are a number of criminal laws that are implicated
4 here, and we see, again, a kind of a shifting
5 defense from the Trump administration. There is
6 no collusion; then there is, oh, if it's
7 collusion, collusion's not against the law.

8 The reality is conspiracy is against
9 the law, and collusion is one form of conspiring.
10 If there was an effort to conspire to violate our
11 election laws, to essentially get an in-kind
12 contribution of opposition research against their
13 opponent, if there was any kind of quid pro quo,
14 one of the messages that this Russian advocate
15 may have taken back to Moscow is the Trump
16 administration will be very amenable to appealing
17 the Magnitsy Act. That is a piece of sanctions
18 legislation that goes after Russians who are
19 violating peoples' human rights.

20 So, was that a quid pro quo? Was it
21 simply further encouragement of the Russians to
22 intervene? Certainly, they were getting all the
23 right signals. They were getting the signals from
24 the President then quite openly and overtly. They
25 were getting signals from the President's son in

1 a covert fashion. And of course, all of the
2 allusions to, this is highly sensitive, and
3 what's the best way to get you this information,
4 you know, does have an echo of those allegations
5 of Mr. Kushner wanting to set up a secret back-
6 channel.

7 Again, what I think is notable here is
8 the pattern. These aren't a series of meetings,
9 events, denials, obfuscations regarding China, or
10 regarding Canada, or regarding Britain, or
11 regarding France. They all come back to Russia.
12 And of course, the profound question is why, and
13 that's the question that we need to answer.

14 I have time for one last question.

15 REPORTER 5: Senator?

16 REP. ADAM SCHIFF: Yeah.

17 REPORTER 5: Could you please give us an
18 update on the sanctions bill and give us an idea
19 as to whether these events today will affect the
20 [UNINTEL] of that billing also? [UNINTEL PHRASE]

21 REP. ADAM SCHIFF: Yeah. Well, we stand
22 ready, I think, on a very bipartisan basis to
23 pass the Senate Bill overwhelmingly. I have no
24 doubt if that came up for a vote tomorrow, it'd
25 pass overwhelmingly. Certain, these events, I

1 think you have added urgency to doing exactly
2 that. And I think it's very important to
3 understand in the context of that sanctions
4 legislation, what is so disturbing and what is so
5 concerning about these new public revelations,
6 and why Congress has to get to the bottom of it.

7 The most serious risk to the country, I
8 think, is that the Russians possess compromising
9 information, what they call kompromat, that can
10 influence this President's conduct of American
11 policy.

12 The Russians know about this meeting.
13 They were behind organizing the meeting. If there
14 are other meetings that the Russians know about,
15 if there are other interactions with the Trump
16 campaign the Russians are aware of, that is
17 something they can hold over the head of the
18 President of the United States. And the American
19 people need to know that our President is acting
20 on their behalf, and not acting because he has a
21 fear that the Russians could disclose things that
22 would harm him or his family.

23 So, I think it's an obligation for the
24 Congress to get to the bottom of this and make
25 sure that the President's policy, whether it's in

1 Syria or Ukraine, or vis-à-vis NATO, or anything
2 else, is only influenced by what's in the best
3 interests of the country, and not because the
4 Russians are in possession of any material that
5 they fear would become public.

6 Thank you.

7 MELISSA FRANCIS: Okay, that was
8 Congressman Adam Schiff. He is the Democratic
9 ranking member on the House Intel Committee. He
10 was going through his reaction to the revelations
11 today about Dr. Trump, Jr.'s email chain vis-à-
12 vis this meeting with a Russian attorney.

13 A couple of the assumptions that he's
14 making based on this, that he feels the Trump
15 family has been discredited in terms of self-
16 reporting on the meetings that they had. Also
17 proving that they were, in fact, receptive to the
18 idea of receiving information that would hurt the
19 Hillary Rodham Clinton campaign, based on
20 information that the Russian government had.

21 Let's bring in Lieutenant General
22 Thomas McInerney. He is a retired Lieutenant
23 General and a Fox News military analyst.

24 Some of the things, the other
25 conclusions that he made there, I'm not totally

1 convinced of. The very first question he was
2 asked by a reporter was, what is your evidence
3 that this woman, this attorney that they had the
4 meeting with, was actually connected to the
5 Kremlin, was actually connected to the Russian
6 government. The answer he gave was the text of
7 the emails he saw were the evidence. What do you
8 think of that?

9 LTG THOMAS MCINERNEY: Pathetic,
10 Melissa. That was a pathetic performance for a
11 U.S. House Member that should know better. And
12 this is all fake news. The fact is there are two
13 things that that Committee's got to look at.
14 They've got to look at the DNC computer servers
15 that was hacked that released that information,
16 and John Podesta's and others' emails.

17 Why hasn't the DNC turned that over to
18 the FBI?

19 MELISSA FRANCIS: But tell us why are
20 you tying that to this?

21 LTG THOMAS MCINERNEY: Because this
22 shows that the Russians did not do it. That
23 server was turned over by Seth Rich, and no one
24 will look at his server.

25 MELISSA FRANCIS: Hmm.

1 LTG THOMAS MCINERNEY: And those two
2 servers blow this whole Russian conspiracy--

3 MELISSA FRANCIS: Okay.

4 LTG THOMAS MCINERNEY: --and conclusion
5 up. And that's why it's that simple. I've been
6 watching this for a long time and why the
7 Congress has not gone after those two servers--

8 MELISSA FRANCIS: Okay.

9 LTG THOMAS MCINERNEY: --because cyber
10 is my business, Melissa. And so, if you get the
11 server, you get the fingerprints of the people
12 that hacked you.

13 MELISSA FRANCIS: Okay. So, let's
14 concede that we want to get that server--

15 LTG THOMAS MCINERNEY: Right.

16 MELISSA FRANCIS: --based on what we
17 just heard there. You know, he believed that this
18 was evidence that the Russians--this was Adam
19 Schiff just now, Congressman Adam Schiff--saying
20 that this is evidence that the Russian government
21 had information that they were trying to hand
22 over to now President Trump and his campaign. Do
23 you see... I mean, I don't know that we saw that
24 evidence there. I mean, they were--

25 LTG THOMAS MCINERNEY: Well-

1 MELISSA FRANCIS: --pretending that they
2 had it. We don't know that they really had it, do
3 we?

4 LTG THOMAS MCINERNEY: We don't, and we
5 haven't seen it. And the fact is there's lots of
6 people that were calling. I must tell you that I
7 talked to members of the Trump campaign during
8 this with certain information--

9 MELISSA FRANCIS: Mm hmm.

10 LTG THOMAS MCINERNEY: --that I wanted
11 to--them to be aware of. It had to do with
12 Benghazi and how Hillary Clinton violated the
13 Espionage Act, and they didn't act on it. So,
14 there are lots of people that do these things,
15 and that's the danger. If they're not getting to
16 the core products, which is hard evidence--

17 MELISSA FRANCIS: Okay.

18 LTG THOMAS MCINERNEY: --server
19 evidence--that's why I brought that up.

20 MELISSA FRANCIS: I wish we had more
21 time. Thank you, Sir. We appreciate your time.

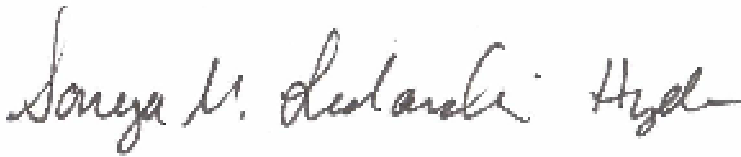
22 LTG THOMAS MCINERNEY: Thanks, Melissa.

23 MELISSA FRANCIS: All right.

24 DAVID ASMAN: All right, obviously,
25 that's the one big story of the day.

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.



A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde". The signature is written in dark ink on a light-colored background.

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: April 13, 2018

EXHIBIT 10

1

2

3

4

5

6

7

8

9

10

11

12

13 Fox Broadcasting Network Live

14 After the Bell

15 January 10, 2018

16 4:16 pm to 4:27 pm

17

18

19

20

21

22

23

24

25

1 CHERYL CASONE: And more on the fallout
2 from the testimony given by the co-founder of the
3 group behind the unverified Trump dossier. Did
4 Diane Feinstein break the law when she released
5 those transcripts to the public? What does the
6 testimony really tell us? Judge Andrew
7 Napolitano's got answers for us. He's next.

8 REP. JIM JORDAN: It sort of points to
9 this idea that the FBI was systematically and
10 strategically leaking information to undermine
11 the Trump campaign and the Trump presidency after
12 he was elected.

13 DAVID ASMAN: Well, the Trump dossier
14 fallout is getting a little murkier, Democratic
15 Senator Diane Feinstein releasing the testimony
16 of Glenn Simpson. He's the founder of Fusion GPS,
17 the research firm responsible for the anti-Trump
18 dossier.

19 Yielding even more questions about the
20 document itself, here now with more on the
21 investigation is Fox News' Katherine Herridge.
22 Katherine, it is really the proverbial
23 journalistic onion. You just keep peeling back
24 the layers, right?

25 KATHERINE HERRIDGE: Well that's right,

1 David, and good afternoon. The Republican
2 Chairman of the Senate Judiciary Committee, Chuck
3 Grassley, said the ranking Democrat Diane
4 Feinstein's decision to release the transcript
5 from the Fusion founder Glen Simpson on her own
6 was a breach of trust that could ultimately
7 derail efforts to secure testimony from Jared
8 Kushner, the President's son-in-law.

9 REP. CHARLES GRASSLEY: These
10 transcripts would have been released eventually
11 anyway, but I think it does create some problems.
12 For instance, when you're getting people to
13 voluntarily come to you, it may make a lot of
14 people a little more reserved about whether or
15 not they want to cooperate.

16 MELISSA FRANCIS: Senator Grassley was
17 asked, but did not comment on, this tweet where
18 President Trump called Senator Feinstein sneaky,
19 underhanded, and possibly illegal the decision to
20 release the transcript.

21 On the Senate floor, Democrats praised
22 Feinstein for:

23 REP. RICHARD BLUMENTHAL: Advancing the
24 peoples' right and need to know the full truth. I
25 want to applaud Senator Feinstein's leadership in

1 using her proper authority as a ranking member to
2 serve this vital public interest.

3 MELISSA FRANCIS: In a separate
4 development, the President's long-time personal
5 attorney, Michael Cohen, is seeking more than
6 \$100 million in damages, suing Fusion GPS, the
7 firm behind the Trump dossier, as well as
8 BuzzFeed, who published the memos online exactly
9 a year ago today.

10 On Twitter, Cohen said, "Enough is
11 enough of the #fake #RussianDossier." And without
12 mentioning Cohen or the controversial author of
13 the book, "Fury and Fire", the President said the
14 law is outdated.

15 PRES. DONALD TRUMP: Our current libel
16 laws are a sham and a disgrace, and do not
17 represent American values or American fairness.
18 You can't say things that are false, knowingly
19 false, and be able to smile as money pours into
20 your bank account.

21 KATHERINE HERRIDGE: But here's the
22 critical detail. The former British spy,
23 Christopher Steele, who was paid by Fusion GPS to
24 gather intelligence from his Russian sources, is
25 described by former Intelligence officials as

1 someone who is a known quantity to the FBI and
2 had a track record with them, having worked
3 sensitive cases in the past, and his work was
4 described as credible. So that's where it stands
5 today, David.

6 DAVID ASMAN: Katherine Herridge, thank
7 you very much. Cheryl?

8 CHERYL CASONE: Well, so much to go
9 through. Here now to react to these latest
10 developments, Judge Andrew Napolitano, Fox News
11 Senior Judicial Analyst. Judge, it's great to
12 have you on this.

13 JUDGE ANDREW NAPOLITANO: Thank you,
14 Cheryl.

15 CHERYL CASONE: I think Senator Grassley
16 said it best. I mean, this could be jeopardizing
17 the investigation. If you want other witnesses to
18 come forward and testify, Feinstein's actions,
19 whether or not they're illegal or improper, she
20 still has created somewhat of a mess for her own
21 committee.

22 JUDGE ANDREW NAPOLITANO: Well, Senator
23 Grassley knows the operation of the Senate
24 Judiciary Committee and the nature of this
25 investigation far better than I can. But he also

1 has the subpoena power, so if Jared Kushner is
2 scared away by a promise to keep secret his
3 testimony, which is defied by not all testimony
4 being kept secret--

5 CHERYL CASONE: Mm hmm.

6 JUDGE ANDREW NAPOLITANO: --all they
7 have to do is serve him with a subpoena, which is
8 a command. And then he'll have no choice but to
9 testify.

10 CHERYL CASONE: Mm.

11 JUDGE ANDREW NAPOLITANO: In terms of
12 the allegation of unlawfulness, this is
13 absolutely protected under the Constitution,
14 called the Speech and Debate Clause, which
15 protects a member of Congress from being
16 prosecuted or sued or otherwise harmed because of
17 information released in the official capacity.

18 So, Diane Feinstein's done this before.
19 She released a 6000-page graphically detailed
20 report about CIA torture that took place during
21 the George W. Bush administration.

22 CHERYL CASONE: Mm hmm.

23 JUDGE ANDREW NAPOLITANO: She released
24 it during the Obama administration and no one
25 could harm a hair on her head.

1 CHERYL CASONE: Well, you know, not for
2 naught here, we did get quite a window into how
3 the Committee is questioning how they're
4 following--

5 JUDGE ANDREW NAPOLITANO: Yes.

6 CHERYL CASONE: --through on this,
7 especially on the issue of Christopher Steele,
8 the British spy. And one of the things that
9 they're getting criticized for after these
10 transcripts were released is his lawyer jumped in
11 when he was asked about, you know, do you believe
12 in this research, do you support Christopher
13 Steele. His lawyer jumped in and says, "Look,
14 we're not going to talk anymore about this
15 particular issue. You're asking because somebody
16 was killed."

17 JUDGE ANDREW NAPOLITANO: Whoa.

18 CHERYL CASONE: And the Committee let it
19 go.

20 JUDGE ANDREW NAPOLITANO: Right. It's
21 almost--

22 CHERYL CASONE: They didn't follow up.

23 JUDGE ANDREW NAPOLITANO: --
24 inconceivable that there was not natural
25 curiosity, like--

1 CHERYL CASONE: Who died?

2 JUDGE ANDREW NAPOLITANO: --who died?

3 Right, right.

4 CHERYL CASONE: [UNINTEL PHRASE]

5 JUDGE ANDREW NAPOLITANO: So, we really
6 don't know who he's talking about. Is the
7 reference to Seth Rich, the Democratic National
8 Committee staffer who was killed assassination-
9 style in DC, and who it is believed was--somehow
10 facilitated the hacking of the DNC emails? Is it
11 a reference to a Russian source of Christopher
12 Steele's? We don't know.

13 But we did learn some very, very
14 interesting things. When Christopher Steele
15 discovered whatever he discovered, he went to his
16 own former superiors in London, and he went to
17 the FBI--

18 CHERYL CASONE: Mm hmm.

19 JUDGE ANDREW NAPOLITANO: --here, and
20 both of them found credibility of what he told
21 them.

22 CHERYL CASONE: Really quick, I've got
23 to ask you about something that the President
24 brought up in his news conference in the 3:00 pm
25 Eastern Time hour. He was asked about the Mueller

1 investigation by John Roberts from Fox News
2 Channel, and you know--and the question was,
3 would you testify, would you compel to testify?
4 You know, the President, you know, put it away,
5 we'll get there, we're going to--you know, he
6 didn't really want to answer that question.

7 JUDGE ANDREW NAPOLITANO: Right.

8 CHERYL CASONE: But this idea of the
9 President testifying to the Mueller Commission,
10 how real is this--

11 JUDGE ANDREW NAPOLITANO: All right, so
12 it's--

13 CHERYL CASONE: [UNINTEL PHRASE]

14 JUDGE ANDREW NAPOLITANO: It's not a
15 Commission. It's Bob Mueller--

16 CHERYL CASONE: The investigation
17 [UNINTEL]--

18 JUDGE ANDREW NAPOLITANO: --and a bunch
19 of prosecutors, and bunch of FBI agents and
20 assistants, and it's a grand jury.

21 CHERYL CASONE: Mm hmm.

22 JUDGE ANDREW NAPOLITANO: So, Mueller
23 would request an interview. The President could
24 say no. Mueller could ask the grand jury for a
25 subpoena. The President can't say no--

1 CHERYL CASONE: Mm hmm.

2 JUDGE ANDREW NAPOLITANO: --because
3 that's a command. He would have to show up and he
4 would have to testify. When Bill Clinton
5 testified before a federal grand jury that was
6 investigating his own behavior, it was a disaster
7 for him--

8 CHERYL CASONE: Mm hmm.

9 JUDGE ANDREW NAPOLITANO: --and it made
10 matters worse. So, the advice is when the
11 government comes calling, criminal defense
12 lawyers--

13 CHERYL CASONE: Mm hmm.

14 JUDGE ANDREW NAPOLITANO: --like to say,
15 never talk to a guy that owns a grand jury or
16 else you're going to get--you're going to rue the
17 day you decided--

18 CHERYL CASONE: Well--

19 JUDGE ANDREW NAPOLITANO: --to submit
20 yourself to their questions.

21 CHERYL CASONE: Well, investigation is
22 one word. Witch hunt was another phrase that the
23 President used today [UNINTEL PHRASE] himself.

24 JUDGE ANDREW NAPOLITANO: I was
25 surprised to hear him say that. His lawyers have

1 asked him to stop saying it. He did for about
2 four months. He's back to using that phrase
3 again.

4 CHERYL CASONE: Well, President Trump
5 will do what he wants pretty much.

6 JUDGE ANDREW NAPOLITANO: Yes, he will.

7 CHERYL CASONE: So, Judge, thank you
8 very much Judge--

9 JUDGE ANDREW NAPOLITANO: Pleasure.

10 CHERYL CASONE: --Andrew Napolitano.

11 JUDGE ANDREW NAPOLITANO: Thank you,
12 Cheryl. Good to be with you.

13 CHERYL CASONE: All right. David, over
14 to you.

15

16

17

18

19

20

21

22

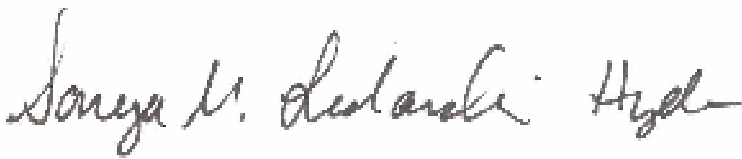
23

24

25

C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.



A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde". The signature is written in dark ink on a light-colored background.

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: April 13, 2018

EXHIBIT 11

CONTRIBUTOR AGREEMENT

1. Rod Wheeler ("Contributor") hereby grants to Fox News Network, LLC, its parent, successors, licensees and assigns, (collectively "Fox"), the irrevocable and exclusive right (but not the obligation) to record, exhibit and otherwise use Contributor's name, likeness, photograph and voice on television (hereinafter referred to as the "Appearances") throughout the Term hereof as referenced below, in connection with opinions/analyses/commentary concerning issues, news events and related subject matters, to be telecast on any programs, advertisements and promotions for Fox, and disseminated/broadcast on the Fox News Channel, the Fox Business Network, Foxnews.com, Foxbusiness.com and/or on any other programming produced in whole or in part by Fox (collectively, the "Programs").

1.1. For the avoidance of all doubt, under no circumstances shall Contributor appear on other television programs or networks, including, without limitation, on CNN, HLN, MSNBC, or CNBC.

2. The Appearances will be scheduled at mutually agreed upon times and will originate from Fox's studios in New York City or Washington, D.C. or from such other locations as mutually agreed upon by the parties.

3. The term ("Term") of this Agreement shall commence as of January 1, 2017 and shall continue through and including December 31, 2018, unless sooner terminated for cause.

4. Other than during the period commencing thirty (30) days immediately prior to the expiration of the Term, at no time during the Term shall Contributor in any manner, directly or indirectly, solicit or entertain an offer or enter into any negotiation or agreement with any other person or party regarding Contributor's television services following the Term hereof. Contributor acknowledges and agrees that any offer received by Contributor as a result of negotiations permitted by the foregoing sentence shall be subject to Fox's first refusal rights as set forth in the next sentence. Contributor hereby grants to Fox for sixty (60) days following the end of the Term of this Agreement a right of first refusal for Contributor's television services following the end of the Term. Accordingly Contributor shall not enter into a subsequent television deal for 60 days following the end of the Term, unless Contributor has first given Fox written notice of the terms and conditions of the offer acceptable to Contributor, and an opportunity for 5 business days to match the terms and conditions of such subsequent offer.

5. Contributor agrees that Fox is and shall be the sole and exclusive owner of the Programs, including, without limitation, all rights (including copyrights) and components contained therein, for all purposes and uses whatsoever, throughout the universe in perpetuity. Fox shall also have the unrestricted right to edit the content and text of the Programs in any manner or form.

6. In full consideration for Contributor's Appearances and the rights granted hereunder, Fox agrees to pay and Contributor agrees to accept the per Appearance fee of \$515¹, less

¹ The definition of an "Appearance" hereunder shall also include Contributor's off-air


RW
2016

deductions as required by law. Such payments will be made within 30 days of each Appearance.

7. Contributor hereby releases Fox from and against any and all claims or actions of any nature arising by reason of the Appearances or statements made by Contributor on or in connection with the Appearances which claims or actions are finally adjudicated in a court of competent jurisdiction, or Fox's exercise of any or all rights herein granted.

8. Contributor represents and warrants that he is 18 years of age or older and has the full right, power and authority to enter into this Agreement and grant the rights herein provided, and that this Agreement does not conflict or interfere in any way with any other agreement to which Contributor may be a party, whether written or oral.

9. Under no circumstances and at no time, either during or after the Term, shall Contributor directly or indirectly, disclose, divulge, render or offer any knowledge or information to any other person or party whatsoever concerning matters relating to any terms or conditions of this agreement except to Contributor's financial, legal and business advisors or as otherwise required by law.

10. Neither Contributor nor any of his agent(s), representative(s) or designee(s) shall issue any statements or grant any interviews concerning Contributor's services hereunder without Fox's prior approval in each instance. This paragraph 10 is not meant to restrict Contributor from stating publicly that he is a Contributor for Fox News nor is this paragraph 10 intended to restrict Contributor from answering spontaneous press inquiries concerning his overall relationship with Fox News.

11. Contributor acknowledges and understands that Fox assumes Contributor will conduct himself at all times in an honest and ethical manner, and in compliance with any and all applicable federal, state, local, and/or foreign laws, and that if at any time, in Fox's good faith, reasonable and informed opinion, Contributor's behavior deviates from such honesty, ethics, and/or lawfulness, then Fox shall have the right to terminate this Agreement effective immediately upon notice to Contributor.

12. Each party has cooperated in the drafting and preparation of this Agreement. Hence, in any construction or interpretation of this Agreement, the same shall not be construed against any party on the basis that the party was the drafter.

13. Any controversy, claim, or dispute arising out of or relating to this Agreement shall be brought before a mutually selected arbitrator/mediator and held in New York City in accordance with the rules of JAMS. Such arbitration/mediation, all filings, written evidence, and testimony connected with the arbitration/mediation and all relevant allegations and events leading

assistance, as requested by Fox, as follows: Up to two-hour's worth of Contributor's time for off-air assistance which Fox requests shall count as one Appearance.

RW
20/6

up to the arbitration/mediation, shall be held in strict confidence. The arbitrator/mediator shall issue a written opinion setting forth the reasons for his or her decision, and the decision shall be final and binding.

14. This Agreement constitutes the entire agreement and understanding between the parties, and it supersedes and replaces all prior communications, negotiations and agreements, whether written or oral. This Agreement cannot be changed, modified, amended or supplemented, except in a subsequent writing that contains the handwritten signature of the parties. Subsequent emails with typed names and/or signature blocks are not sufficient for purposes of changing, modifying, amending or supplementing this Agreement. There are no representations, promises, warranties, covenants, undertakings or understandings with respect to the subject matter contained herein except as expressly set forth herein. This Agreement shall be governed by the laws of the State of New York. This Agreement may be signed in counterparts.

Date: 11/29/2016

CONTRIBUTOR

Rod Wheeler

Name: Rod Wheeler

Address: 14006 Silver Teal Way
Upper Marlboro, MD 20774

Tel. No. (202) 368-3007

FOX NEWS NETWORK, LLC ("FOX")

Date: 12/5/16

By: [Signature]

Title: Co-President